

Exhibit C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIO GOMEZ,

Plaintiff,

-against- 07 CIV.9310
(CLB) (GAY)

VILLAGE OF SLEEPY HOLLOW, DETECTIVE JOSE QUINOY in his individual and official capacity, POLICE OFFICER ELDRYK EBEL in his individual and official capacity, POLICE OFFICER MIKE GASKER in his individual and official capacity, POLICE OFFICER RICHARD D'ALLESANDRO in his individual and official capacity, LIEUTENANT BARRY CAMPBELL in his individual and official capacity, LIEUTENANT GABRIEL HAYES in his individual and official capacity, SERGEANT HOOD in his individual and official capacity, CHIEF OF POLICE JIMMY WARREN in his individual and official capacity, and POLICES OFFICERS JOHN DOES 1-4,

Defendants.

HELD AT: Young & Bartlett, LLP
81 Main Street Suite 118
White Plains, New York 10601
February 14, 2008 10:15 a.m.

Examination before Trial of the
Plaintiff, MARIO GOMEZ, pursuant to Court
Order, held at the above time and place
before a Notary Public of the State of New
York.

J & L REPORTING SERVICE
of Westchester, Inc.
200 East Post Road
White Plains, New York 10601
(914) 682-1888
Nancy P. Tandy, Reporter

IT IS HEREBY STIPULATED AND

AGREED, by and between the attorneys for the
respective parties herein, that the sealing
and filing of the within deposition be
waived; that such deposition may be signed
and sworn to before any officer authorized
to administer an oath, with the same force
and effect as if signed and sworn to before
the officer before whom said deposition is
taken.

IT IS FURTHER STIPULATED AND

AGREED, that all objections, except as to
form, are reserved to the time of trial.

A P P E A R A N C E S:

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BY: JENNIFER E. SHERVEN, ESQ.

M. GOMEZ

MARIO GOMEZ, residing at 100
Main Street, Apt. 3A,
Irvington, New York 10533-1754,
having been duly sworn by
Notary Public, Nancy P. Tandy
testified as follows:

8 EXAMINATION BY

9 MS. SHERVEN:

10 Q. Good morning, Mr. Gomez.

11 A. Good morning.

12 Q. As you may remember we met

13 before at the 50-h Hearing that was held

14 previously in this case. I'm an attorney

15 with Miranda, Sokoloff, Sambursky, Slone &

16 Verveniotes, and we represent the Defendants

17 in this Federal action that you have filed.

18 We are here today so that I can

19 ask you some questions in this Qualified

20 Immunity Deposition. Now, please respond

21 verbally to all of my questions. As you

22 know, the Court Reporter has to take down

23 everything that is said here so that we have

24 a record. So, please, don't nod your head.

25 Just answer every question verbally, okay.

<p>5</p> <p>1 M. GOMEZ</p> <p>2 A. Yes.</p> <p>3 Q. If at any time you do not</p> <p>4 understand my questions, please let me know</p> <p>5 and I'll rephrase the questions so that you</p> <p>6 do understand.</p> <p>7 If at any time you need to take</p> <p>8 a break, let me know, and we can do so with</p> <p>9 the exception that I'll ask if I have a</p> <p>10 question pending that you please answer the</p> <p>11 question and then we can take a break, okay.</p> <p>12 A. Sure.</p> <p>13 Q. Do you have any physical or</p> <p>14 mental conditions that could interfere with</p> <p>15 your ability to testify accurately here,</p> <p>16 today?</p> <p>17 A. No.</p> <p>18 Q. In the last twenty-four hours</p> <p>19 have you taken any prescription medication</p> <p>20 that could interfere with your ability to</p> <p>21 testify?</p> <p>22 A. Well, I had taken prescription</p> <p>23 medication, but it would not interfere.</p> <p>24 Q. Okay. What prescription</p> <p>25 medications have you taken?</p>	<p>7</p> <p>1 M. GOMEZ</p> <p>2 medications that could affect your ability</p> <p>3 to testify, any prescriptions that you</p> <p>4 typically take that the failure to take</p> <p>5 could affect your ability to testify?</p> <p>6 A. No.</p> <p>7 Q. In the last twenty-four hours</p> <p>8 have you consumed any alcohol?</p> <p>9 A. No.</p> <p>10 Q. In the last twenty-four hours</p> <p>11 have you consumed any illegal drugs?</p> <p>12 A. No.</p> <p>13 Q. In preparation for your</p> <p>14 testimony here, today, did you review any</p> <p>15 documents?</p> <p>16 A. No. Basically I have a copy of</p> <p>17 that 50-h Hearing that we did a year ago,</p> <p>18 and I reviewed a little bit of that.</p> <p>19 Q. Other than that transcript, did</p> <p>20 you review anything else?</p> <p>21 A. No, nothing else, nothing.</p> <p>22 Q. I'm just going to, I know it's</p> <p>23 hard in normal conversation we talk over</p> <p>24 each other, but please let me finish my</p> <p>25 question before you answer even if you think</p>
<p>6</p> <p>1 M. GOMEZ</p> <p>2 A. Topamax.</p> <p>3 Q. That's a pain medication?</p> <p>4 A. That's for the headaches.</p> <p>5 Q. Any other medication that</p> <p>6 you've taken in the last twenty-four hours?</p> <p>7 A. And Lexapro.</p> <p>8 Q. What is the Lexapro for?</p> <p>9 A. I was prescribed that. I</p> <p>10 thought I had a heart attack, and it was a</p> <p>11 panic attack so.</p> <p>12 Q. Which doctor prescribed those</p> <p>13 two medications for you or doctors?</p> <p>14 A. Doctor Schwartz is my</p> <p>15 neurologist, and Doctor Soto.</p> <p>16 MR. YOUNG: One second. Let me</p> <p>17 just step outside.</p> <p>18 (Whereupon, a discussion was</p> <p>19 held off the record outside of the</p> <p>20 room.)</p> <p>21 Q. Would either of those</p> <p>22 medications interfere with your ability to</p> <p>23 testify here, today?</p> <p>24 A. No.</p> <p>25 Q. Did you fail to take any</p>	<p>8</p> <p>1 M. GOMEZ</p> <p>2 you know what I'm going to say. That way we</p> <p>3 have the complete record.</p> <p>4 A. Sorry.</p> <p>5 Q. That's okay. In preparation</p> <p>6 for today, did you meet with your attorney?</p> <p>7 A. Yes.</p> <p>8 Q. Other than yourself and your</p> <p>9 attorney, was anyone else present?</p> <p>10 A. No.</p> <p>11 Q. In preparation for your</p> <p>12 testimony today, did you review any</p> <p>13 videotapes?</p> <p>14 A. No.</p> <p>15 Q. Other than your attorney, did</p> <p>16 you speak with anyone concerning your</p> <p>17 testimony here, today?</p> <p>18 A. No.</p> <p>19 Q. What is your current address?</p> <p>20 A. 100 Main Street, Apartment 3A,</p> <p>21 letter A as in apple in Irvington, New York.</p> <p>22 Q. How long have you lived at that</p> <p>23 address?</p> <p>24 A. About seven months, eight</p> <p>25 months, around there.</p>

<p style="text-align: center;">9</p> <p>1 M. GOMEZ</p> <p>2 Q. Who did you live with at that</p> <p>3 address if anyone?</p> <p>A. By myself.</p> <p>Q. What was your address before</p> <p>6 you moved to 100 Main Street?</p> <p>7 A. You want me to say it?</p> <p>8 Q. Yes, please.</p> <p>9 A. 100 -- I mean I'm sorry 1 River</p> <p>10 Plaza, Apartment 4E, Tarrytown, New York.</p> <p>11 10591 is the zip code.</p> <p>12 Q. Is that where you were living</p> <p>13 as of October 2006?</p> <p>14 A. Yes.</p> <p>15 Q. Who did you live with at that</p> <p>16 address?</p> <p>17 A. With my wife and my three</p> <p>18 daughters.</p> <p>19 Q. I was going to say did all</p> <p>20 three of your daughters live there, or a</p> <p>21 couple of them were away at school at that</p> <p>22 time?</p> <p>23 A. Well, one was away at school at</p> <p>24 that time.</p> <p>25 Q. Just for the record, what is</p>	<p style="text-align: center;">11</p> <p>1 M. GOMEZ</p> <p>2 Q. What is her date of birth?</p> <p>3 A. July 13, 1984.</p> <p>4 Q. Is she your oldest daughter?</p> <p>5 A. Yes.</p> <p>6 Q. Which one is your middle</p> <p>7 daughter?</p> <p>8 A. Stephanie Gomez.</p> <p>9 Q. What's her date of birth?</p> <p>10 A. January 19, 1988.</p> <p>11 Q. And your youngest daughter?</p> <p>12 A. Bridget.</p> <p>13 Q. What's her date of birth?</p> <p>14 A. August 15, '89.</p> <p>15 Q. Where is Awilda Gomez currently</p> <p>16 living?</p> <p>17 A. On the River Plaza address, the</p> <p>18 Tarrytown address.</p> <p>19 Q. Are any of your daughters</p> <p>20 currently living there with her?</p> <p>21 A. Yes, my oldest daughter.</p> <p>22 Q. Haydee?</p> <p>23 A. Yes. The other two are away at</p> <p>24 school.</p> <p>25 Q. Mr. Gomez, are you currently</p>
<p style="text-align: center;">10</p> <p>1 M. GOMEZ</p> <p>2 your wife's name?</p> <p>3 A. Awilda.</p> <p>4 Q. Gomez?</p> <p>5 A. Gomez.</p> <p>6 Q. What is her maiden name?</p> <p>7 A. Cadet C-A-D-E-T.</p> <p>8 Q. You're legally married to her?</p> <p>9 A. Yes.</p> <p>10 Q. What was the date of your</p> <p>11 marriage?</p> <p>12 A. August 23, 1985.</p> <p>13 Q. You have three children with</p> <p>14 Awilda Gomez?</p> <p>15 A. Yes.</p> <p>16 Q. What are their names again for</p> <p>17 the record?</p> <p>18 A. Haydee Gomez, Haydee -- I'm not</p> <p>19 going to -- you don't want the middle names</p> <p>20 or anything like that?</p> <p>Q. No, that's fine. If you could</p> <p>22 give us their date of births that would be</p> <p>23 helpful?</p> <p>24 A. Do you want me to spell Haydee</p> <p>25 for you? H-A-Y-D-E-E.</p>	<p style="text-align: center;">12</p> <p>1 M. GOMEZ</p> <p>2 working?</p> <p>3 A. No.</p> <p>4 Q. You are retired; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Since October of 2006 until the</p> <p>8 present time, have you been employed in any</p> <p>9 capacity?</p> <p>10 A. No.</p> <p>11 Q. Have you ever been convicted of</p> <p>12 a crime?</p> <p>13 A. No.</p> <p>14 Q. What is the date of your arrest</p> <p>15 in Sleepy Hollow that is the subject of this</p> <p>16 lawsuit?</p> <p>17 A. 10-17 or 10-16, 2006.</p> <p>18 Q. Do you remember what day of the</p> <p>19 week that was?</p> <p>20 A. Tuesday, Tuesday night.</p> <p>21 Q. In the twenty-four hours before</p> <p>22 your arrest, had you consumed any alcohol?</p> <p>23 A. No.</p> <p>24 Q. In the twenty-four hours before</p> <p>25 your arrest, had you consumed any illegal</p>

13

M. GOMEZ

1
2 drugs?
3 A. No.
4 Q. In the twenty-four hours before
5 your arrest, did you fail to take any
6 medications that you typically were taking
7 at that time?
8 A. No. I was prescribed
9 medication, but I was a hundred percent.
10 Q. You had taken the medication
11 that you were prescribed at that time?
12 A. Yes.
13 Q. What medication were you taking
14 as of October 17, 2006, or the types of the
15 medication if you don't recall the exact
16 name?
17 A. I don't recall. I don't recall
18 the exact names. I would have to look.
19 Q. Do you recall what the
20 medications were for generally?
21 A. Well, I was going to my
22 psychiatrist.
23 Q. Had the psychiatrist prescribed
24 any medication?
25 A. Yes. I was prescribed some

14

M. GOMEZ

1 medication, because remember the problem
2 that I had talked to you about the
3 depression, and I find out I had hepatitis
4 C. I was taking a lot of medication for the
5 liver. I was taking a whole combined
6 different medication. And I had the problem
7 with the liver, the hepatitis C. And I was
8 taking medication for that over a year. And
9 I did that twice for two years as a matter
10 of fact.
11 I had taken so much medications
12 that, you know, it's not really that I can
13 remember all of them really, you know.
14 Q. What was the name of your
15 psychiatrist as of October 2006?
16 A. Doctor Soto.
17 Q. The same doctor that you've
18 said before?
19 A. The same doctor, yes.
20 Q. The doctor who prescribed the
21 medication for your hepatitis C and other
22 problems associated with that condition, was
23 that Doctor Schwartz that had prescribed
24 those medications?
25

15

M. GOMEZ

1 A. No. That's the neurologist
2 after the incident.
3 Q. Who was that doctor then?
4 A. Doctor Chia.
5 Q. Could you spell that?
6 A. It's David is the first name,
7 and Chia is C-H-I-A.
8 Q. Other than medication for what
9 you told us was depression, did your
10 psychiatrist prescribe any other medication
11 at that time?
12 A. I think he prescribed -- he had
13 switched up and down I think ever since that
14 I was hospitalized because due to the
15 Hepatitis C, due to that I was hurt in the
16 line of duty in the Corrections Department
17 in Riker's Island, and during the incidents
18 that arise in the 1980's, I've been seeing
19 the psychiatrist --
20 Q. Let me just stop you there and
21 just ask you to just to answer the question.
22 A. Well, no, I'm giving you my
23 answer.
24 MR. YOUNG: No. No. Hold on.
25

16

M. GOMEZ

1 Q. We don't want to be here all
2 day.
3 A. No, I know. That's my answer.
4 I have to give you the explanation why I'm
5 taking all those medications.
6 Q. Actually, right now I'm not
7 asking you why, though.
8 MR. YOUNG: Don't worry, we'll
9 get to that, you and I will get to
10 that later.
11 Q. We'll get to that. And I
12 appreciate that you're being forthright and
13 trying to give us as much information. But
14 right now, I just want to have you answer
15 the specific question as to what medications
16 the psychiatrist had prescribed at that time
17 or for what condition?
18 A. I have no idea. I would have
19 to check on that. He goes up and down.
20 Ever since I was hospitalized. I've been
21 seeing him like once a month.
22 MR. YOUNG: Okay, your answer
23 is you don't know, so that's fine.
24 They'll get his records. They'll
25

17

M. GOMEZ

find out that way.

Q. At the time of your arrest, where were you?

A. Home.

MR. YOUNG: Listen to the question again. At the time of your arrest.

Q. At the time of the arrest when you were arrested in the Village of Sleepy Hollow, where were you physically?

A. On the street in Beekman Avenue.

Q. Is that in front of the Sleepy Hollow Police Department?

A. Yes.

Q. How did you come to be in front of the Sleepy Hollow Police Department that night?

A. Well, I received a phone call from Detective Jose Quinoy in my personal cell.

MR. YOUNG: Okay, that's your answer.

Q. I thought, perhaps, you were

18

M. GOMEZ

saying something else, so.

You said that you received a call from Detective Jose Quinoy at that time?

A. Yes.

Q. That was on your personal cell phone?

A. Yes.

Q. Now, what was your cell phone number at that time?

A. I change it after that. It was 914 -- I'm forgetting everything. 914 -- I can't remember now.

MR. YOUNG: We can leave a blank in the transcript.

MS. SHERVEN: We'll leave a blank in the transcript for you to fill that in or I'll ask you to please provide your telephone number at that time to your attorney so that it can be provided to us.

A. _____

Q. Approximately, what time was it that you received a phone call from

19

M. GOMEZ

Detective Quinoy?

MR. YOUNG: Off the record.

(Off-the-record discussion.)

MR. YOUNG: This is a Qualified Immunity Deposition, and I think there are parameters to the deposition.

The Defendants have already had two extensive days of deposition testimony in the form of a 50-h Hearing, so there's no secret as to what happened here.

I just ask that Counsel be aware of the parameters of this deposition and confine her inquiry to within those rules.

Q. Approximately, what time did you receive a phone call from Detective Quinoy?

A. Well, I received the first phone call about -- I was with my daughter Bridget.

MR. YOUNG: Hold on. Hold on. The only question here is what time.

20

M. GOMEZ

She didn't ask you who you were with.

A. Oh, okay. Well, the first call I didn't get. The second one it was about 9:45, around there, approximately.

Q. The second phone call did you actually speak with Detective Quinoy?

A. Yes, I did.

Q. Were you at home at that time?

A. Yes.

Q. What did you say to Detective Quinoy during that phone call?

A. No. He started talking first. He stated to me.

Q. All right. What did Detective Quinoy first say to you, since you said that he spoke first?

A. Oh, Mario, I needed to talk to you. I heard that you wanted to talk to me. And I said, well, that's how the whole thing -- I said, okay, Jose, 'cause I call him by Jose, because he was my neighbor for years and personal friend of the family.

So, the bottom line is to make a long story short he said, I approach him

21

1 M. GOMEZ
2 about rumors that I heard that he was going
3 out with my daughter. Keep going?

Q. Is there more? Did you want to
add something to that?

6 MR. YOUNG: Are you asking him
7 for the first sum and substance.

8 MS. SHERVEN: I'm asking him
9 for the first portion of this
10 conversation.

11 MR. YOUNG: The first portion,
12 okay.

13 Q. Was there anything else during
14 that first --

15 A. No. Basically, it was all one
16 big conversation.

17 Q. Okay, tell me the sum and
18 substance then of that conversation?

19 A. Okay. From there, we started
20 talking. And I told him, you were a
21 personal friend of the family, and I know
22 your wife. I know your kids. For a very
23 long time, you were a neighbor here, and I
24 heard that you're going out for drinks and
25 to bars with my daughter, not with people,

22

1 M. GOMEZ
2 but by yourself and her.
3 And then he said, oh, those are
4 the two Irish mother fuckers. He say that
5 to me in Spanish. That Lieutenant Hayes and
6 Michael Hayes are envious of me and are
7 always talking shit about me.

8 And then I told him, well,
9 that's besides the point. 'Cause he wanted
10 to know he told me. And I said that's
11 besides the point. You know, I'm not going
12 to give you that information.

13 Then he told me, oh, you know,
14 your daughter was a bartender. I said, no,
15 she was not a bartender, but what does that
16 have to do with it. So, he kept going on,
17 and then he tells me, he tells me that I
18 told him -- hold on a minute. He tells me,
19 oh, don't worry about it. And I say, I have
20 to worry about it, because your wife already
21 have problems and fights in the Village of
22 Sleepy Hollow with all women because of you
23 dating her, and I have to worry about it.

24 And then he tells me -- there's
25 a piece that I'm missing, and I'm trying to

23

1 M. GOMEZ
2 remember. To make a long story short, he
3 told me -- I told him, I said, Jose, also,
4 by the way, I heard that you said that
5 before you were switching shift, you said to
6 all the police officers on duty before you
7 were going out, that you were going out with
8 my daughter. And why not, when I get paid
9 for food and drinks, why not. I have to
10 take that chance.

11 And I told him that was very
12 bad. I told him, you know, a guy don't do
13 that. You know, and that's what I told him.
14 And then he got upset, and he told me, well,
15 let me tell you. Your daughter's twenty-one
16 years old, and you're not going to tell me
17 what to do with your daughter.

18 And then I told him, hey, how
19 can you tell me that when you know me for so
20 many years, okay, and you were a personal
21 friend of the family. You've been at my
22 fortieth birthday party. You know my
23 daughter since she's twelve, thirteen years
24 old, ten. How can you tell me that? How
25 can you be such an asshole. You know, I

24

1 M. GOMEZ
2 don't know. I forgot what I said really.
3 He told me, well, you're not going to tell
4 me what to do with your daughter. If you
5 are machito, he told that to me in Spanish.
6 If you are macho, you got cojones which
7 means balls. If you're a macho guy and you
8 have balls, come down and meet me in front
9 of the station. That was the end of the
10 story.

11 Q. Approximately how long was this
12 phone conversation?

13 A. About, I mean I was in my
14 bedroom. My daughter was in the living
15 room.

16 Q. But approximately how long?

17 A. About five minutes, six
18 minutes, seven minutes. I can't really --
19 no longer than eight minutes.

20 Q. At any point during this
21 conversation with Detective Quinoy, did he
22 make any threats towards you?

23 A. Not that I can remember, no.

24 Q. At any point during this
25 conversation with Detective Quinoy, did you

25

M. GOMEZ

1 make any threats towards him?

2 A. No, I did not, no.

3 Q. Did you say to Detective Quinoy
4 that you were going to "Kick his fucking
5 ass"?

6 A. No. No, I did not.

7 Q. Why didn't you just hang up the
8 phone during the conversation?

9 MR. YOUNG: I'm going to object
10 to the form of that question.

11 Q. During this telephone
12 conversation, why not just hang up the phone
13 if you didn't want the conversation to
14 continue?

15 MR. YOUNG: I'm going to object
16 to that question again. We're here
17 for factual -- this is -- it's an
18 argumentative question. I don't
19 think it has any part in a
20 deposition.

21 MS. SHERVEN: Counselor, I mean
22 the Federal rules apply. I can ask
23 him any question. If you object to
24 the form, I'm happy to rephrase the
25

26

M. GOMEZ

1 question.

2 MR. YOUNG: Could you rephrase
3 the question.

4 MS. SHERVEN: But otherwise I
5 expect that you will not be directing
6 him not to answer.

7 MR. YOUNG: Well, I'm objecting
8 to the form of that question.

9 Q. During this conversation, why
10 didn't you just hang up the phone and put a
11 stop to the conversation?

12 A. The reason why is because he's
13 a man that I knew way before he was a police
14 officer. I know his whole family. I know
15 his wife's family.

16 MR. YOUNG: Hold on. Hold on.
17 Let's not go too broad. The question
18 why didn't you just hang up?

19 A. He was dealing about my
20 daughter. I know already his wife with
21 personal fights with all the women, and I
22 was trying to avoid that to happen.

23 Q. When you hung up the phone with
24 Detective Quinoy, what did you do next?
25

27

M. GOMEZ

1 A. I started getting dressed, and
2 that's when my wife arrived. Bridget had
3 called my wife.

4 Q. Why did you start getting
5 dressed?

6 A. To go to the police station and
7 see, to talk to him and settle the
8 situation.

9 Q. Why didn't you just stay home
10 and let the situation blow over?

11 A. Because I had already did that,
12 Counselor, two weeks before that, and the
13 situation could carry on.

14 Q. Did Awilda try to stop you from
15 leaving the house?

16 A. She came. She was in her
17 friend's house, neighbor's.

18 MR. YOUNG: Hold on. Hold on.

19 She didn't ask you where she was.

20 Simple question. Did she try to stop
21 you from leaving the house?

22 A. Sorry. Okay, no, we spoke. I
23 don't remember if she told me to stay or go.
24 We made an agreement to go together and talk
25

28

M. GOMEZ

1 to Quinoy together as a family.

2 Q. When you say as a family, do
3 you mean just you and Awilda or some your
4 children as well?

5 A. No, just me, parents.

6 Q. Did you actually go to the
7 police station together in the same vehicle?

8 A. Different vehicles.

9 Q. Why did you take different
10 vehicles?

11 A. I have no idea, Counselor. It
12 just came up that way. I went down first,
13 and then she came after me. She was talking
14 to Bridget a little bit, and it was one of
15 those things I can't explain.

16 Q. Approximately how long was the
17 drive from your home to the police station?

18 A. Two minutes, two. It's the
19 next town over.

20 Q. When you arrived at the police
21 station, did you see anyone outside of the
22 police station?

23 A. Yes.

24 Q. Who did you see?
25

29

M. GOMEZ

A. Detective Quinoy and Officer

Michael Gasker.

Q. Did you know Officer Gasker prior to the date of your arrest?

A. No.

Q. When you got to the police station, where did you park your car?

A. Legally parked, I find a parking spot. I park, and it was about five, seven feet away from the main entrance of the police station.

Q. When you first saw Detective Quinoy, where was he physically located?

A. He was standing right in the sidewalk right in front of the door of the police station.

Q. Is there a sidewalk in front of the police station?

A. Yes.

Q. Approximately how close is that sidewalk to the entrance of the police station?

MR. YOUNG: Okay, if you can answer the question. How close is

30

M. GOMEZ

the sidewalk to the door?

Q. How close is the sidewalk to the door.

A. Where he was standing to the door?

Q. Right.

A. About from here to the main -- five feet, maybe, seven feet away.

Q. The main sidewalk I'm guessing in front of on the block in front of the police station; am I correct in that description?

A. Well, here's the sidewalk. Here's the street, Beekman Avenue.

Q. So, there was a sidewalk running parallel to the street?

A. Yes.

Q. Is there also a sidewalk leading into the police station, kind of like perpendicular? Or I'm trying to get a picture of what the front of the police station looks like.

A. You're talking about a little alleyway they have?

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M. GOMEZ

Q. Is there a little sidewalk?

A. No, he was not standing there.

He was standing in the main street right facing the street in front of the door of the Police Department.

Q. Because you had said he was in front of the door. You don't mean that he's physically in front of the door?

A. Not physically in front of the door. He was on the sidewalk. I could say that this is the sidewalk. I'm standing here, and the front door is a little bit you know where you were sitting, waiting.

Q. Unfortunately, the record's not going to be clear as to that description.

A. I would say ten feet away, ten feet away. The main door is ten feet away from where he was standing.

Q. Just so the record's clear, Detective Quinoy when you first saw him was standing approximately ten feet away from the front door?

A. Eight, ten, I'm not sure, maybe, a little closer.

32

M. GOMEZ

Q. Approximately that distance from the front of the door, but on the actual sidewalk that runs parallel to the street?

A. On the sidewalk, right.

Q. Where was Officer Gasker in relation to Detective Quinoy when you first got to the police station?

A. They were both standing together. Officer Gasker was standing next to him.

Q. When you first saw them, what happened next?

A. Parked the car. My wife was parked right -- she couldn't find a parking space, so she left the car running, and she was parked in the street right parallel to me. So, she was right next to me. I did park legally. I had a legal parking space.

I parked the car. Shut the car off, and I came out of the car. And I was expecting my wife to come out, also. She was out already of the car, and we were going to talk to Quinoy.

33

M. GOMEZ

Q. After you and your wife parked your cars, did you have a conversation before speaking at all or having any interaction with Detective Quinoy?

A. Are you referring my wife and I?

Q. You and your wife.

A. When we were already parked you're saying?

Q. Right, after you parked your cars, did you speak with her at all?

A. No. I didn't get the opportunity. No, we had no chance.

Q. When you got out of your car, did you have anything in your hands?

A. No.

Q. Were you carrying anything on your person?

A. No. My keys, my wallet, and some personal items, some personal things.

Q. When you got out of the car, did you close the car door?

A. The car was parked. I put it in drive. I shut the engine off, and I had

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M. GOMEZ

the keys in my pocket.

MR. YOUNG: You put it in what?

A. Sorry. I park. Put it in park. Shut the engine off. Put the keys in my pocket, and I stepped outside the car, and I was standing right next to my car. That's it.

Q. Did you close your car door though after you exited?

A. Yes, it was. Yes, the car was parked legally in a legal parking space.

Q. When you exited your vehicle, did you say anything to Detective Quinoy or Officer Gasker at that time?

A. No.

Q. Did either of them say anything to you?

A. Yes, Detective Quinoy.

Q. What did Detective Quinoy say.

A. Police, don't move. Don't fucking move, because he was cursing. Put your fucking hands up in the vehicle. And he came charging, running towards me.

Once he got to me, he banged me

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M. GOMEZ

against the car when I had already turned around.

Q. I'm going to stop you. Right now, I just asked you what he had said.

A. All right.

Q. Did Detective Quinoy say anything else at that time other than what you've just told us?

A. No.

MR. YOUNG: Before there was contact you mean?

MS. SHERVEN: Before there was contact. I'm talking about the first thing he said.

Q. Did Officer Gasker say anything to you at that time?

A. No.

Q. Were there any other police officers or civilians in the area other than you, your wife, and the two police officers?

MR. YOUNG: That he saw?

Q. That you saw?

A. That I saw, no, that's it.

Q. When Detective Quinoy said,

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M. GOMEZ

don't move, to put your hands up, what, if anything, did you say to him?

A. I had my hands up on the vehicle. He was already pushing me and hitting me, so I had my hands up on the vehicle, and I just slightly turned around and said, hey, I thought we were going to talk. And that's when he boom he hit me right here in the head with the cuff. He had a cuff in his hand.

MR. YOUNG: Indicating the left side of the head.

Q. What did you say, though?

A. Hey, I thought we were going to talk.

Q. Did you say anything else other than, hey, I thought we were going to talk?

A. No. That's the only thing that I said. That's pretty much it.

Q. During these initial moments, did your wife say anything to anyone?

A. No. She was just standing right a little bit away from next to me, a little bit behind, maybe, two, three feet

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M. GOMEZ

1 away.

3 Q. When Detective Quinoy said,
 4 don't move, to put your hands up, what, if
 5 anything, did you physically do?

6 MR. YOUNG: Again, that's not
 7 all he said. You're leaving out some
 8 expletives but that's okay. Can you
 9 read back the question. I'm sorry.
 10 (Whereupon, the reporter read
 11 back the requested material.)

12 A. I put my hands up on the
 13 vehicle.

14 Q. Where on the vehicle did you
 15 put your hands up?

16 A. Well, I have a truck, so it's
 17 kind of tall, so I had my hands up. It's
 18 not -- so, I was not actually on the
 19 driver's door, on the second door in the
 20 passenger side door, but on the driver's
 21 side.

22 MS. SHERVEN: Can you read that
 23 back, please.

24 (Whereupon, the reporter read
 25 back the requested material.)

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M. GOMEZ

2 MR. YOUNG: You mean the rear
 3 door.

4 A. The rear door. I'm sorry. Not
 5 the passenger's side. The passenger's side
 6 on the rear door behind the driver's seat.

7 MR. YOUNG: Indicating that
 8 your hands were above your head.

9 THE WITNESS: Yes. I had them
 10 on the vehicle.

11 Q. Did you have your hands
 12 outstretched, or were they like in a fist or
 13 some other position; if you can?

14 A. I mean they were --

15 MR. YOUNG: Indicating flat
 16 hands.

17 A. Yeah, flat hands, flat hands.
 18 I didn't make any fists or any motion of,
 19 you know.

20 Q. At the time that you put your
 21 hands up in the manner that you've
 22 described, which direction were you looking
 23 in?

24 A. Well, I had my hands up,
 25 looking away from -- he's on my back, okay.

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M. GOMEZ

2 And he was pushing me. He was banging me.

3 MR. YOUNG: Wait. The question
 4 is: Where were looking when you put
 5 your hands up?

6 A. Sorry. Yes, I had the hands up
 7 on the vehicle, and I was looking the other
 8 way, and he was behind me.

9 MR. YOUNG: Indicating you were
 10 looking at the vehicle, your car.

11 THE WITNESS: Exactly, yes,
 12 yes, yes.

13 Q. Did you see Detective Quinoy or
 14 Officer Gasker approach you?

15 A. Well, of course, I did. I saw
 16 mainly Detective Quinoy. He was charging to
 17 me towards me.

18 Q. How were able to see them? If
 19 you're looking in the direction in front of
 20 you, how were you able to physically see
 21 them.

22 MR. YOUNG: As I understand the
 23 testimony, he saw them running to him
 24 before he --

25 MS. SHERVEN: -- Counselor,

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M. GOMEZ

2 with all due respect.

3 MR. YOUNG: Because you're
 4 confusing -- with all due respect
 5 you're confusing the record. We can
 6 go back and read this again, because
 7 it is clear to me that before that
 8 time happened -- if you want to go
 9 back because, look, I looked at the
 10 50-h Hearings that you did for two
 11 days, and those two records are a
 12 mess, because you kept going back and
 13 asking the same questions over and
 14 over again. I don't mean to get
 15 personal, but he already testified
 16 that as soon as he got out of the
 17 car.

18 MS. SHERVEN: Counselor, I'm
 19 going to stop you. I don't
 20 appreciate the fact that you've
 21 interrupted me and you're also --

22 MR. YOUNG: -- because you're
 23 messing up the record.

24 MS. SHERVEN: Excuse me,
 25 Counselor.

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M. GOMEZ

MR. YOUNG: Excuse me.

MS. SHERVEN: Would you please stop interrupting me when I'm speaking. You've interrupted me several times now. I really don't appreciate that.

MR. YOUNG: No, I have not. I like a clear record.

MS. SHERVEN: And the fact is you're doing speaking objections, and it's completely inappropriate in this matter.

MR. YOUNG: You're not making a clear record. We can go back, and the reporter can read what he's already testified to if you don't understand. And I'm not doing a speaking objection. If you don't understand how he saw these men, okay, we can go back and read his answer, because it's very clear how he saw those men. He's already testified to.

MS. SHERVEN: No. I can ask

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M. GOMEZ

any questions that I want to.

MR. YOUNG: You cannot ask the same questions three or four times.

MS. SHERVEN: I'm asking him a specific question as to how he saw the men.

MR. YOUNG: Okay, go ahead. Answer that question. How did you see the men?

Q. How did you physically see the police officers at the time?

A. I saw the police officers before I put my hands -- he came -- we got to go back a little bit, Counsel, hold on. I'm not trying to make this long, but I got to explain to you.

I come and I park my car. I get out of the vehicle. When I park my car, Detective Quinoy and Police Officer Michael Gasker was standing right in the sidewalk in front of my vehicle.

I got out of the car, he starts running towards me, charging. He tells me, don't fucking move. Police. Don't move.

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M. GOMEZ

Put your fucking hands up on the car.

That's exactly what I did. I saw him. He was already I had already saw him charging me. That's how I tell you that I saw him.

Q. Was Officer Gasker also running in the manner that you've described?

A. I don't remember. The only one that I really concentrated was on Detective Quinoy. I don't know if he was running or he was standing, or if he even came walking.

Q. When you saw Detective Quinoy, was he holding anything in his hands?

A. I think he was holding either cuffs, or he was holding something, or the radio or something, because when he hit me in the head, it was with something hard.

MS. SHERVEN: I move to strike the portions that are not responsive.

Q. Did you see anything in Detective Quinoy's hands?

MR. YOUNG: As he was running to him?

Q. As when you first saw him until the time that you had physical contact?

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M. GOMEZ

A. Yes. He had I believe the cuffs in his hands.

Q. In which hand did he have the cuffs that you've described?

A. I'm going to assuming it had to be --

MR. YOUNG: No. No. Do not assume. If you recall, you recall. If you don't, you don't.

A. I don't know what hand he had it, but when I got hit, it must have been with his left hand. Because I got hit in the left side of the head when I was turning around asking him, I thought we were going to just talk.

MS. SHERVEN: I move to strike the portions that are nonresponsive. Just listen to my question.

A. No. That was my answer, Counselor. When I tell you something you don't like, you --

Q. -- but I asked you specifically which hand, okay.

A. Okay. That's all right.

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1 M. GOMEZ

2 MR. YOUNG: Here's the thing.

3 You don't have to think out loud
4 before you give us an answer, which
5 is what you're doing. You answer was
6 left hand, but you thought out loud
7 for a minute before you gave an
8 answer. Think to yourself, and then
9 give an answer if you can.

10 THE WITNESS: Okay.

11 Q. Did you see Officer Gasker
12 holding anything in his hands when you first
13 saw him?

14 A. No.

15 Q. You've already described the
16 fact that you had your hands up on the car,
17 and Detective Quinoy is coming towards you
18 from behind your back? Am I describing that
19 correctly; that your hands are up on the
20 car, and he's coming towards you but your
21 back is to him?

22 A. No, it's not, Counsel. No.
23 Let me go back a little bit.

24 MR. YOUNG: No. She'll
25 rephrase the question.

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1 M. GOMEZ

2 Q. At the time that Detective
3 Quinoy is coming towards you in the manner
4 that you've described, are you facing the
5 vehicle, or do you turn to face the vehicle
6 at some point in time?

7 A. I get out of the car.

8 MR. YOUNG: See, this is what I
9 want to avoid, because when I looked
10 at the 50-h, it's four times as long
11 as it should, because you keep coming
12 back and asking him the same
13 questions over and over. And I'm not
14 going to let him answer these
15 questions three and four times. He's
16 already testified to you, and it's
17 very clear.

18 MS. SHERVEN: Counselor, I mean
19 the record you're making is just
20 completely inappropriate.

MR. YOUNG: No, it's very
appropriate. You keep asking him the
same questions. What don't you
understand about the previous answer?
I'm not going to let him answer the

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1 M. GOMEZ

2 questions three and four times,
3 because you know that makes a very
4 muddy record.

5 MS. SHERVEN: Is there some
6 reason why you cannot allow me to
7 finish speaking before you interrupt
8 me?

9 MR. YOUNG: No. You had
10 finished speaking.

11 MS. SHERVEN: No, I had not.

12 MR. YOUNG: Go ahead.

13 MS. SHERVEN: I'm trying to ask
14 very specific questions.

15 MR. YOUNG: But you're asking
16 them again and again.

17 MS. SHERVEN: Okay, apparently
18 you cannot stop from interrupting me.
19 Do I need to call the Judge and tell
20 the Judge that you're interrupting
21 me.

22 MR. YOUNG: If you feel the
23 need to call the Judge, and we need
24 to get somebody here to sit here, so
25 you don't ask the same question three

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1 M. GOMEZ

2 and four times, that's up to you.

3 But I'm giving you a hundred
4 percent latitude to ask the
5 questions. But my concern is if you
6 keep asking him, well, I don't
7 understand why this. I don't
8 understand this. If you don't
9 understand it, I don't know what to
10 say, but I'm letting him answer all
11 of your questions but just not
12 multiple times.

13 MS. SHERVEN: I would
14 appreciate it again if you do not
15 interrupt me in the future. I can't
16 see anything that's more
17 disrespectful than the fact that you
18 keep interrupting me while I'm trying
19 to speak or ask the question. So, I
20 would please ask you to stop
21 interrupting me.

22 MR. YOUNG: Are you finished?

23 MS. SHERVEN: Yes, I'm
24 finished.

25 MR. YOUNG: Okay. I have a

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M. GOMEZ

right to make my objections on the record whether they are to form or asked and answered, and I will continue to do that.

MS. SHERVEN: And I'm not stopping you from making your objection. I do not appreciate speaking objections or the fact that you are interrupting me. That's what I'm asking you not to do.

MR. YOUNG: Continue.

Q. During the time that Detective Quinoy is running towards you in the manner that you've described, do you move at all from the position that you've described that you were in, that being with your hands up against your vehicle facing the vehicle?

A. No. Once he say put your hands up on the car and turnaround, and that's exactly what I did. Then what I did -- he came and he banged me, pushed me.

MR. YOUNG: You've answered the question.

Q. My question though was just if

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M. GOMEZ

you moved at all during that time that he's coming towards you, but you had had your hands --

A. -- no, when I moved he was already on top of me. You know, I don't know if he was running.

MR. YOUNG: Okay, you've answered the question I think. Has he answered the question, Counselor.

Q. Is it your testimony that you did not move --

A. -- no, I did not move.

MR. YOUNG: Wait. Wait. She's not finished.

Q. Is it your testimony that you did not move until the time that you felt contact from Detective Quinoy?

A. Yes.

Q. Where did you physically feel contact?

A. Well, when he first came in, he banged me against -- he banged me, pushed me like tapped me right against the car, like, boom.

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M. GOMEZ

Q. I'm going to stop you, though, just so that you can tell us with what portion of his body he pushed you or banged you as you described it?

A. I have no idea. I guess you know when you tried to tackle somebody and you push somebody, I guess it was both hands. I know he pushed me. I couldn't exactly tell you what hand or what elbow.

Q. Did you see that?

A. I felt it. He banged me.

Q. My question, though, is if you saw it? Saw how he pushed you against the car?

A. No, I couldn't see it, because I was facing the other way. I had my head turned.

MR. YOUNG: That's fine.

You've already said that.

Q. Does your body at that time make contact with your car?

A. Yes.

Q. What portion of your body makes contact with the car?

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M. GOMEZ

A. My chest and my right part of the elbow because --

Q. Your tapping your shoulder, but you said elbow.

A. Not my elbow, my shoulder. Sorry about that. Getting kind of nervous here. Got to relax.

Q. So, your chest and your right shoulder make contact with your car, your truck excuse me?

A. Yes.

Q. At that point in time, did you say anything?

A. Yes.

Q. What did you say?

A. Hey, I thought we were going to talk. I thought that you brought me here, because we were going to talk. That's it.

Q. Did he say anything in response?

A. He was cursing here and there. He was yelling. He was yelling. He was really making a -- I can't really tell you exact words, but I know he was cursing

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M. GOMEZ

1 saying. First of all, when he came to
2 arrest me, put your fucking hands up on the
3 car. Turn around. Don't fucking move.

I slightly turned my head, just
6 to turn, I thought we were going to talk.
7 That's when, boom, he hit me with that -- I
8 don't know if he had the cuffs in the hands,
9 but I know it was something hard. He hit me
10 with his left-hand in the left side of the
11 head.

MR. YOUNG: All right, now,
13 look, this is the fourth time that
14 we've gone over this. So, I don't
15 know whose fault it is, whether the
16 question's being asked repeatedly or
17 you're just offering additional
18 information, but that's the fourth
19 time that you were hit in the left
20 side of your face with something
21 hard.

So, I'm going to just instruct
23 you to just answer her questions and
24 don't continue to elaborate.

THE WITNESS: Right, okay.

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M. GOMEZ

2 Sorry.

Q. What part of the left side of
4 your head did Detective Quinoy make contact
5 with? Can you describe was it near your
6 ear, is it closer to your face? Can you
7 describe that the best that you can?

A. A little bit over the side of
9 my head, here.

Q. You're indicating above your
11 left ear?

A. Above the left ear, yes, right.

Q. What happened next after you
14 feel the hit in the left side of your head,
15 what's the next thing that happens?

A. I turned around, and I defended
17 myself.

Q. When you say you turned around,
19 did you turn your whole body around or just
20 your head or something else?

A. I turned around a little bit,
22 after I got banged against the vehicle. I
23 got hit on the head. I was being assaulted.
24 So, I decided I needed to defend myself.

Q. What did you do to defend

55

M. GOMEZ

2 yourself?

A. I took a few punches.

Q. How many punches,
5 approximately?

A. About two or three.

Q. Who did you throw the punches
8 at; Detective Quinoy or Officer Gasker?

A. No, Detective Quinoy. I never
10 touched Officer Gasker. Right.

Q. Did you physically make contact
12 with Detective Quinoy?

A. I believe I did, yes.

Q. On which portions of his body
15 did you make contact?

A. I believe it was somewhere
17 around the left part of the forehead or the
18 left eye, something like that. I'm not
19 sure.

Q. Did you make contact with any
21 other part of his body?

A. No, not that I remember. No.

MR. YOUNG: You know can I just
24 take a two-minute break here. I just
25 have to make a phone call.

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M. GOMEZ

(Whereupon, a recess was
3 taken.)

MR. YOUNG: Again, to continue
5 my earlier comment about the scope of
6 the deposition, here. Counselor's
7 familiar with the rules. This is a
8 Qualified Immunity Deposition, and it
9 is here for a limited purpose.

We've been here for it's 11:15.
11 This was scheduled to start at 10:00
12 o'clock, and we're nowhere near the
13 issues for why we are here.

I ask Counselor to restrict her
15 questions to the purpose of the
16 deposition. In the event that she
17 continues to go beyond that scope,
18 which I think she is doing right now,
19 at the appropriate time we will seek
20 sanctions, and we will also seek to
21 have that portion of this record
22 which we has been improperly entered
23 into stricken for all purposes.
24 Okay, let's go.

MS. SHERVEN: Counselor, the

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M. GOMEZ

record does speak for itself, and we are entitled, the Defendants are entitled to ask the appropriate questions that are being asked today as to the circumstances surrounding the arrest at issue, and the deposition is a proper deposition pursuant to the Qualified Immunity ea purpose today.

Q. At the time that you struck Detective Quinoy in the manner you described, did your wife say anything?

A. Yes. She was already yelling.

Q. What was she saying?

A. No. Stop. Things like that. I can't actually. I can't, but I know she was yelling.

Q. Did Officer Gasker say anything during that time?

A. No, not I don't remember hearing Officer Gasker saying anything at all, but my wife was yelling.

Q. At this point in time, did you see anyone else in the vicinity whether a

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M. GOMEZ

police officer or civilian?

A. No, not that I know. There might have been other people, but at that time I don't remember seeing.

MR. YOUNG: Well, her question is did you see the other people. You said, no.

A. Okay, no.

Q. What happens next? I'm talking about after the time where you've described that you were throwing punches at Detective Quinoy. What happens next?

MR. YOUNG: I'm going to object to the form of the question. I ask that you rephrase it. Throwing punches at Detective Quinoy is your own terms. He did not use those terms. He did say that he did punch Officer Quinoy two or three times.

MS. SHERVEN: Counselor, with all due respect, you're again making speaking objections. You're free to

--

MR. YOUNG: You're putting

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M. GOMEZ

words in his mouth.

MS. SHERVEN: No, I'm not. I was using the same language that he had used; however, your objections are inappropriate. If you want to say form objection, fine. I'll rephrase the question.

MR. YOUNG: Form objection.

MS. SHERVEN: But to go into detail about the question and in the manner in which I'm phrasing it, I object to the way in which you are objecting.

MR. YOUNG: Form objection.

Q. What happened next?

A. Well, I was defending myself from the assault by Detective Quinoy, and I did hit with no more than two punches, three at the most. And he tackled me down. We started struggling, and at that time I heard Detective Quinoy say tase him. That's it.

Q. When you say he tackled you down, can you describe in the manner in which this --

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M. GOMEZ

A. -- well, Counselor, we were wrestling. I can't describe the manner which arm was holding what. We were both grabbing each other very hard, struggling. We fell to the floor. And, no, wait a minute. We were still struggling on the car, and he said tase him. And I got my first tase while I was standing up. That buckled my legs, and I fell. I got tased in the back of the neck.

Q. Following the time when you said that you were defending yourself, you initially said that he tackled you, and then you said that you were wrestling. Just so the record is clear what happened next after you were defending yourself in the manner that you described?

MR. YOUNG: Wait a minute. I mean we're going over the same thing. We can read it back, because you're asking the same question again and again.

MS. SHERVEN: No. I'm trying to be very clear as to what happened

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M. GOMEZ

in which order of events, and it's not clear.

Q. So, I'm asking just what happened, just tell me what happened immediately after you were punching or defending yourself in the way you've described? What happened then, and then we'll take it frame by frame, so that we can understand that?

MR. YOUNG: Can we go back several questions and I think the same question was asked. I just want to see what the answer is in case it's not on the record, maybe I missed something.

(Whereupon, the reporter read back the requested material.)

Q. When you said that Detective Quinoy tackled you, did you physically fall to the ground at that time?

A. Yes.

Q. What was it that actually caused you to fall to the ground at that time; his tackling you as you described or

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M. GOMEZ

keep making the speaking objections. I mean I'm trying to be clear.

MR. YOUNG: I'm trying to understand your question. You said at that time.

Q. At the time that you were wrestling with Officer Quinoy until the time that you fell to the ground, did you say anything?

A. No, not that I can remember. I heard in the background my wife yelling and screaming.

MR. YOUNG: Wait a minute. Did you say anything?

A. No. Sorry.

Q. Did your wife say anything during that time period that we're discussing?

A. Yes.

Q. What did your wife say?

A. Stop. Please. Don't. No. Stop. No. No. Things like that. You know, yelling. She was actually yelling from the beginning.

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M. GOMEZ

something else?

A. Well, he's tackling and also the taser I got, because we were struggling that's when I feel the electricity behind my neck, and I fell. And I think since I was holding onto him, we both fell at the same time.

Q. Did you see who was holding the taser at that time?

A. It was Officer Gasker.

Q. Did Officer Gasker say anything at that point in time?

A. No, not that I remember. No, not that I recall, no.

Q. Did you say anything to Officer Gasker at that time?

A. No.

Q. Did you say anything at that moment in time?

MR. YOUNG: At the moment he was being tased?

A. No.

MR. YOUNG: Go ahead.

MS. SHERVEN: Again, you can't

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M. GOMEZ

Q. During the time that you were wrestling like you described with Detective Quinoy, did he strike any portion of your body?

A. I have to say, yes.

Q. What portions of your body?

A. I can't really remember now, Counsel, but I know I was stricken. I almost got killed after that, what came after that.

MS. SHERVEN: Move to strike the portions that were not responsive.

MR. YOUNG: Concentrate on the question.

A. I can't remember what portions of the body. I know that he definitely hit me, yes.

Q. Did he hit you with his hands or some other part of his body?

A. At that time, with his hands. And I think he had the cuffs in his hands. I felt something very hard.

Q. On what portion of your body

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M. GOMEZ

1
2 did he make contact with at this point in
3 time?

A. I can't recall. We were
struggling. It's very hard for me to go
back now and describe exactly. I can't
recall anyhow.

Q. Well, you just said a second
ago that you thought he had the cuffs in his
hands because you felt something hard. On
what part of your body did you feel that?

MR. YOUNG: Could you read back
the last question, because again
we're not going to go through another
50-h like we did the last time.
We're repeating questions over and
over. If you don't like the answer,
you keep asking it.

(Whereupon, the reporter read
back the requested material.)

Q. Do you recall what portion of
your body you felt a hard object make
contact with at that time?

A. At that time, no.

Q. Until the time that you fell

66

M. GOMEZ

1
2 onto the ground, other than the taser that
3 you described that Officer Gasker had, did
4 he physically touch you in any way?

MR. YOUNG: Gasker.

MS. SHERVEN: Gasker.

A. Gasker, not that I know. I
can't really recall.

MR. YOUNG: That's your answer.

Q. When you and Detective Quinoy
fell to the ground in the way that you
described, were you still wrestling at the
time that you landed on the ground.

A. Yes. I was still defending
myself trying to avoid from getting punched.

Q. After you and Detective Quinoy
had fallen to the ground, what happened
next?

A. I was already on the ground,
like, facing down, and I felt some hard
kicks, four hard blows in my ribs.

Q. Are you indicating your right
side?

A. Yes.

Q. Now, if you're facing towards

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M. GOMEZ

1
2 the ground, where's Detective Quinoy's body
3 in relation to you?

A. I guess next to me. To the
left, to the right -- I don't remember.

Q. Did you see someone kicking you
at that point in time?

A. I felt that. I think a voice
coming in (noise) boom, boom. I know it
wasn't Gasker. Another officer had come in.

MR. YOUNG: Hold on. You have
to concentrate. You're going to have
to do better. The question was: Did
you see someone kicking you? She
didn't ask you what you heard.

A. No, I didn't see the kicks.

MR. YOUNG: Fine. That's your
answer.

Q. Do you know, in fact, that they
were kicks versus punches? How do you know
that it was someone kicking you as opposed
to something else?

A. Because it couldn't be
Detective Quinoy, because he was next to me.
And we were actually holding onto each other

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M. GOMEZ

1
2 and I felt the kicks on the right side, and
3 the two, three kicks, hard blows in the
4 ribs, on the right side of my ribs.

Q. Do you know who was kicking
you?

A. Officer Ebel.

Q. Before your arrest, did you
know Officer Ebel?

A. I seen him in down.

Q. You'd recognized him at some
point in time that night?

MR. YOUNG: Hold on. Objection
to the form of the question. Can you
rephrase that.

Q. You said that you had seen him
around town. Did you know him by name at
that time?

A. No. No.

Q. How do you know it was Officer
Ebel that was kicking you?

A. I'm trying to give a short
answer.

MR. YOUNG: Okay.

A. I know it was Officer Ebel

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1 M. GOMEZ

2 because at no point in time during the
3 incident I saw Gasker kicking me, so it had
to be Officer Ebel.

Q. When did you first realize that
6 Officer Ebel had arrived in front of the
7 police station?

8 A. What do you mean in front of
9 the police station?

10 Q. Well, how did you know that
11 Officer Ebel was there?

12 A. When I turned around, when we
13 were struggling -- after I got kicked and we
14 were still struggling, and I turned around
15 and I saw him.

16 Q. Do you know where Officer Ebel
17 came from, whether it was inside the police
18 station or somewhere else?

19 A. He came from inside the police
20 station.

21 Q. How do you know that?

22 A. Well, I didn't actually see him
23 in the police station because I never went
24 inside the police station, but I know he was
25 the desk officer that day.

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1 M. GOMEZ

2 Q. How do you know that he was the
3 desk officer, though? Did somebody tell you
4 this? How do you know that Officer Ebel
5 came from inside the police station as
6 opposed to a vehicle or something else?

7 A. Because there was no other
8 police patrol vehicles in the area at that
9 point. There was no lights going on or
10 anything at all. So, most of them had come
11 from inside the station.

12 Q. Did anyone tell you, whether it
13 was your wife or someone else, that Officer
14 Ebel came from inside the police station?

15 A. Actually, I don't recall,
16 Counselor, but I know he came from inside
17 the station.

18 Q. Do you know how Officer Ebel
19 came to come outside from inside the police
20 station?

21 A. No.

22 MR. YOUNG: Was that question
23 do you know how he came outside?

24 (Whereupon, the reporter read
25 back the requested material.)

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1 M. GOMEZ

2 Q. I'll rephrase the question. Do
3 you know why Officer Ebel came from inside
4 the police station to outside?

5 A. No.

6 Q. At the time that you felt the
7 kicks in the way that you described, did you
8 say anything?

9 MR. YOUNG: As he was being
10 kicked?

11 Q. At that point in time, did you
12 say anything?

13 A. It was fast. It was confusing.

14 MR. YOUNG: Woe, woe, woe, woe.
15 Stop. Stop. Did you say anything
16 when you were being kicked?

17 A. No.

18 Q. At that point in time, did you
19 hear anyone saying anything?

20 A. Yes. Detective Quinoy, hey,
21 hey, hit him. Hit him hear. Hit him there.
22 Detective Quinoy. My wife's yelling and
23 screaming in the background.

24 Q. Other than Detective Quinoy and
25 your wife, did you hear anyone else say

72

1 M. GOMEZ

2 anything?

3 A. I think Ebel was saying
4 something. What, I can't remember right
5 now. He was also yelling, you know.

6 Q. At the point that you turned
7 and you saw Officer Ebel, did you say
8 anything?

9 A. No, not that I can recall at
10 that point, no.

11 Q. Did anyone else say anything at
12 that point in time?

13 MR. YOUNG: As he was turning
14 to look to Ebel?

15 Q. As you turned and saw Ebel?

16 A. The only one talking, yelling
17 and screaming was Quinoy yelling, hit this
18 mother fucker here, there. Excuse me, but I
19 got to say what he said. And Ebel was
20 yelling also, and my wife's screaming in the
21 background.

22 Q. When you turned and saw Officer
23 Ebel, what was he saying?

24 A. I can't exactly recall,
25 Counselor, because I can't. I know he was

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M. GOMEZ

1 yelling, you know, but I can't recall.

2 Q. When you first saw Officer
3 Ebel, did he have anything in his hands?

4 A. I think he had the taser, or he
5 had a taser in his hands.

6 Q. When you turned and saw Officer
7 Ebel, did you see where Officer Gasker was?

8 A. I can't recall. I know he was
9 standing next to her, but I can't exact spot
10 I can't remember.

11 Q. At that time when you saw
12 Officer Ebel was standing close by, did you
13 see anyone elsewhere, whether police officer
14 or civilian?

15 MR. YOUNG: Other than the
16 individuals?

17 Q. Other than the individuals that
18 we've been talking about.

19 A. No, not that I remember. I
20 couldn't see anybody else. I was --

21 Q. When you turned and saw Officer
22 Ebel, what happened next?

23 A. That's when I said, here, this
24 is a family matter. Here's my hand, cuff
25

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M. GOMEZ

1 me. And I was faced down on the ground cuff
2 me. This is a family matter. I didn't
3 commit any crime. I'm a retired New York
4 City Corrections Officer, but that's it.
5 And --

6 Q. I'm going to stop you there
7 before you go onto another, before you go
8 onto something else.

9 When you said what you just
10 told us that you described, where were your
11 hands?

12 A. I had already -- I was faced
13 down on the ground, and I had stand my
14 hands.

15 Q. You're indicating that you're
16 putting your hands behind your back, right?

17 A. Right, so they can cuff me.

18 MR. YOUNG: His hands and his
19 armed stretched out in front of him.

20 A. Yes, stretched out, yes, and I
21 was stretched out on the ground already.

22 Q. At that point in time, where
23 was Detective Quinoy?

24 A. He was there, but I can't
25

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M. GOMEZ

1 really tell you exactly where. I have to
2 see a video or something. He was still
3 punching and kicking during that time, yes.

4 Q. Was Detective Quinoy still on
5 the ground with you or --

6 A. No.

7 Q. -- or had he gotten to his feet
8 at some point in time?

9 A. No, he was already up. No, he
10 was already up.

11 Q. At what point in time did
12 Detective Quinoy get up off of the ground?

13 A. I can't recall now. I know it
14 was some --

15 Q. Where was Officer Gasker at the
16 time that you put your hands back in the
17 manner that you described and said what you
18 told us?

19 A. He was standing a little bit to
20 the left and a little bit away, two or three
21 feet away from what I saw. I don't recall,
22 because everything was moving very fast.

23 Q. At that time, was he making any
24 physical contact with you?
25

76

M. GOMEZ

1 A. Not that I recall.

2 Q. At this point in time that
3 you've been talking about, where was Officer
4 Ebel?

5 A. He was the one that cuffed me,
6 and he was actually -- he was the one that
7 cuffed me. He was actually pulling my arms
8 like almost up, like, when you're trying to
9 break them. And at the same time he had his
10 knees on my back and pulling my arms up, all
11 the way up, like, when you're trying to
12 break somebody's arm.

13 MS. SHERVEN: Move to strike
14 the portion that's not responsive.

15 A. But that was my answer,
16 Counselor.

17 MR. YOUNG: That's okay. It
18 was responsive.

19 Q. During this time that we've
20 been talking about when you're putting your
21 hands behind your back, was Detective Quinoy
22 making any physical contact with you?

23 A. Yes.

24 Q. What portions of your body did
25

77

1 M. GOMEZ
2 he make physical contact?
3 A. He was kicking me in my head.
4 Q. Did you see him kick you in the
5 head?
6 A. Yes. I turned around, and the
7 kicks were coming, and I -- I was already
8 cuffed at that time and on the ground, and I
9 can't do anything about it.
10 Q. What portion of your head did
11 he actually make contact with?
12 A. Counselor, I must have got
13 about thirty kicks in the head. I got kicks
14 in all sides and angles. I can't really
15 describe exactly at what point what portion
16 I got kicked at. That was when it first
17 started.
18 Q. Did Detective Quinoy make any
19 other physical contact with you other than
20 what you've described at this point in time
21 that we've been discussing?
22 A. At this point in time, no, he
23 was kicking me.
24 Q. Was he doing anything else?
25 MR. YOUNG: While he was

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1 M. GOMEZ
2 kicking him?
3 Q. At that point in time, what
4 we've been talking about.
5 A. I don't know if he was doing
6 something else with his hands. I don't
7 know. I know I was down, faced down, and I
8 saw his foot coming and kicking.
9 Q. Did Detective Quinoy say
10 anything while he was kicking you in the way
11 that you've described?
12 A. He was saying something. What
13 I can't. I got to listen to a videotape. I
14 can't remember now. He was -- all this
15 yelling and screaming. My wife screaming on
16 the other side.
17 MR. YOUNG: She didn't ask you
18 about your wife.
19 A. You know what I mean.
20 MR. YOUNG: She didn't ask you
21 about your wife.
22 A. I can't exactly recall what he
23 was saying, but I know that he was yelling.
24 Q. Did you hear anyone else
25 yelling or saying anything at that point in

79

1 M. GOMEZ
2 time?
3 A. Ebel.
4 Q. What did Officer Ebel say?
5 A. Like, once again, Counselor, I
6 can't remember exactly what he was saying.
7 Oh, fuck. I know that I identified that he
8 had my leg. I had got tasered in my spine
9 quite a few times. Taser my head. That's
10 when I was already cuffed. I was already
11 cuffed on the ground. I got tased in the
12 temple, and he put his knee on my neck, and
13 he was choking me. And when I was choking,
14 you tried to move. It wasn't that I was
15 resisting. I was trying not to be choked.
16 And I said, I identified myself
17 once again. This is the family issue. I
18 didn't commit any crime. I'm a retired New
19 York City Corrections Officer. He said,
20 fuck New York City Correction, this is
21 Sleepy Hollow Police.
22 MS. SHERVEN: Move to strike
23 the portions that were nonresponsive
24 to the question.
25 Q. Before you had your hands

80

1 M. GOMEZ
2 physically cuffed, how many times did you
3 feel a taser? I'm talking up until the time
4 you were cuffed not afterwards.
5 A. I got tased about four or five
6 times, but I would say four, three times,
7 two or three times.
8 Q. So, two to three times before
9 you were cuffed?
10 MR. YOUNG: You started four to
11 five, and then you said three to four
12 then.
13 A. No. No. Because it's
14 confusing, because I got tased before and
15 tased a lot after.
16 MR. YOUNG: The question is
17 before you were cuffed, how many
18 times.
19 Q. Before you were cuffed, I'm not
20 talking about after?
21 A. I would say three to four
22 times. It was definitely more than twice.
23 Q. Did you see who used the taser
24 during those three to four times?
25 A. I know the first taser was

81

M. GOMEZ

1
2 Officer Gasker, because he was the only one
3 there, and I was struggling with Detective
4 Quinoy.

5 MR. YOUNG: We've gone over
6 this already.

7 Q. Not that portion. I know you
8 told us that, but the other times, can you
9 tell us who it was that you saw using the
10 taser.

11 MR. YOUNG: Off the record.
12 I'm confused.

13 (Off-the-record discussion.)

14 Q. Just so the record is clear,
15 the first taser you felt is while you were
16 standing; is that correct?

17 A. Yes.

18 Q. Who was it that used that
19 taser?

20 A. Officer Gasker.

21 Q. Now, you've just told us that
22 there were three or four times that you felt
23 the taser before you were cuffed. Is it
24 fair to say that while you were on the
25 ground, you felt the taser two to three

82

M. GOMEZ

1 times?

2 A. Yes.

3 Q. Did you see who it was that
4 used the taser during those two to three
5 times while you were on the ground?

6 A. No, because I was just
7 trying --

8 MR. YOUNG: No. No, is the
9 answer.

10 THE WITNESS: Sorry.

11 Q. Do you know who used the taser
12 those two to three times?

13 A. I know that Officer Ebel had a
14 taser in his hand, also, and Officer Gasker
15 had a taser, also, and I guess Officer Ebel
16 was the one that tasered me after that.

17 Q. Are you referring to in the
18 same time period, or are you referring to
19 now after you were cuffed? I'm confused.

20 A. No, we're talking about before
21 I was cuffed.

22 Q. Before your cuffed?

23 A. No. Officer Ebel had a taser
24 in his hands.
25

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M. GOMEZ

1 Q. Do you know if he used the
2 taser at that point in time before you were
3 cuffed?

4 A. No. When I really noticed him
5 tasing me was when I was already cuffed.

6 Q. We'll talk about that in a
7 minute. At this time while you're on the
8 ground before you're cuffed, did you know
9 which officer it was that used the taser?

10 A. No.

11 Q. At any point in time did you
12 see Detective Quinoy with a taser? I mean
13 any point in time before or after you were
14 cuffed?

15 A. He probably had the taser, and
16 I don't recall seeing him with the taser.

17 Q. Before you were handcuffed, did
18 you see anyone else in the vicinity other
19 than the people you've already told us
20 about?

21 A. At that time almost to the
22 point, I know that I heard voices. I
23 couldn't exactly tell you who it was, but I
24 know they're was all the people already
25

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M. GOMEZ

1 there in the area, in the vicinity on the
2 sidewalks looking at that.

3 Q. Were there any other police
4 officers in the area before you were cuffed
5 other than the three that you've already
6 told us about?

7 A. No.

8 Q. Now, at the point that you were
9 handcuffed you told us that you felt a taser
10 after you were cuffed. How many times did
11 you feel a taser after you were handcuffed?

12 MR. YOUNG: This is total until
13 they stopped?

14 Q. Total times after you were
15 handcuffed?

16 A. After, this is after?

17 Q. After.

18 A. I believe I got tasered after
19 more than before I was cuffed. And I got
20 tasered about seven to eight times,
21 approximately, nine times.

22 Q. Did you see who used the taser
23 any of those times after you were
24 handcuffed?
25

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M. GOMEZ

1 A. Yes. I know definitely I saw
2 Officer Ebel. He was the one that tased me
3 in my back, in the spine. And the one in
4 the sides of the temple, I couldn't recall
5 because I was looking down, and I was
6 getting kicked on this side, and they put
7 the taser at the same time as I was getting
8 kicked.

MS. SHERVEN: I move to strike

the portions that are nonresponsive.

12 Q. I'm just asking you who you
13 saw. Did you see anyone else use a taser
14 after you were handcuffed other than Officer
15 Ebel?

16 A. I know Detective Quinoy had a
17 taser, also, but I just can't, you know, I
18 just can't.

19 Q. Did you see anyone else use a
20 taser at this time period that we've been
21 talking about after you were handcuffed
22 other than Ebel?

23 A. One thing that I want to say is
24 that it was not just Ebel that was tasing
25 me, but from what I recall, yes, Ebel was

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M. GOMEZ

2 the one that I saw, because I was turning
3 and I know I was getting kicked, tased,
4 punched at the same time, so it was hard for
5 me.

6 Q. Right now I'm just asking if
7 you saw anyone else?

8 MR. YOUNG: Did you see anyone
9 tasing you at that moment other than
10 Ebel.

11 A. At that moment, no.

12 Q. Now, I believe you just said,
13 and we can read back the record if
14 necessary, but I believe you just said that
15 you saw Detective Quinoy with a taser; did
16 you say that?

17 A. Yes.

18 Q. At what point in time did you
19 see Detective Quinoy with a taser?

20 A. At the end, I would say the
21 end.

22 Q. Did he use the taser?

23 A. I have no idea. I'm not going
24 to say, yes. I'm not sure.

25 Q. On what portions of your body

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M. GOMEZ

1 did you see Officer Ebel use the taser?
2 This is after you were cuffed.

4 MR. YOUNG: I mean he's already
5 -- you can answer it again but it's
6 on the record.

7 A. On my back.

8 MS. SHERVEN: It wasn't
9 responsive.

10 MR. YOUNG: He said back and
11 spine.

12 A. On my back and my spine, and
13 also I knew that he tased me in the back of
14 the head, because he was the one on top of
15 me. Like squatting on top of me, and I was
16 faced down on the ground cuffed.

17 Q. Do you know if any other police
18 officer used the taser at that point in time
19 other than Officer Ebel? I know you said
20 you saw Officer Ebel. Do you know, though,
21 if any other police officer used the taser
22 after you were handcuffed?

23 MR. YOUNG: Well, hold on.

24 You're asking him for the identity.

25 MS. SHERVEN: Yes, for the

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M. GOMEZ

1 identity.

3 MR. YOUNG: Because he already
4 said somebody from the other side was
5 tasing him.

6 Q. Do you know who?

7 A. No. I did not see him at the
8 time, but I know I was getting tased more
9 than once, so it couldn't be the same person
10 tasing me in two different places.

11 Q. At any point in time did you
12 learn who that person was?

13 A. No.

14 Q. After you were handcuffed other
15 than the taser that you've described, did
16 you see any police officer make physical
17 contact with your body?

18 A. Are you talking about the three
19 officers involved or Detective Gasker.

20 Q. Anyone, anyone, did you see any
21 police officer make contact with you after
22 you were handcuffed other than what you've
23 said about the taser?

24 A. Oh, yes. Quinoy was -- I was
25 faced down, and Quinoy was saying, get this

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M. GOMEZ

1 mother fucker. Hit him. Hit him.

2 And then at one point Ebel
3 stood up, okay, and he was kicking down,
4 like, when you're trying to break a piece of
5 wood. Then Detective Quinoy was kicking
6 from the top of my head, like, when you're
7 kicking a soccer ball.

8 MS. SHERVEN: I move to strike
9 the portions that were not
10 responsive.

11 Q. Other than Detective Quinoy or
12 Officer Ebel did you see any other police
13 officer make physical contact with you after
14 you were cuffed and other than the tasers
15 that you described?

16 A. No.

17 Q. Where was Officer Gasker during
18 the time that you said that Detective Quinoy
19 and Officer Ebel were kicking you?

20 A. He was there.

21 Q. And again he was in the
22 vicinity, but where was he in relation to
23 where you were? Was he close by?

24 A. Close by. Close by.

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M. GOMEZ

1 Q. Was he making any physical
2 contact with you?

3 A. Not that I can recall, no.

4 Q. Can you approximate for me how
5 much time passed from the time you arrived
6 at the police station, okay, and parked your
7 car, until the time you were handcuffed?

8 A. Until the time that I was
9 handcuffed. I would say four, four or five
10 minutes, four minutes, five minutes, yeah.

11 Q. Approximately how much time
12 passed during the time that you were
13 handcuffed and what you've described with
14 the police officers kicking you and using
15 the tasers?

16 MR. YOUNG: Hold on. Let's
17 have an end moment here.

18 Q. Until it stopped.

19 A. Until it stopped.

20 Q. Until it stopped.

21 A. That was longer. I would say
22 that had to be from the time that I was
23 cuffed until everything stopped, it had to
24 be approximately ten minutes or twelve, and
25

91

M. GOMEZ

1 maybe more. I don't know.

2 Q. During those ten to twelve
3 minutes that you've indicated, where was
4 your wife?

5 A. God, you asked me that
6 question. I just remembered I was leaving a
7 big part out.

8 During the time that I was on
9 the ground, my wife was yelling and
10 screaming. I saw her like in the back of my
11 eyes running to inside the police station,
12 ask for help. Came back. She did that
13 various times. And at one point, it's very
14 important because I was leaving it out. I
15 don't think what I was thinking about. At
16 one point it was almost during the first
17 after I was already cuffed, I was already
18 cuffed. They had tased my quite a few
19 times. It was almost, like, kind of slowing
20 down, and to the part that he kicked me.

21 So, that he was continued
22 kicking. Then my wife told him, Quinoy,
23 you're going to kill him. So, he turned
24 around. I was faced up looking the other
25

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M. GOMEZ

1 way, and my wife's car was still running in
2 the middle of the road with the lights on,
3 headlights.

4 He picked up my wife and body
5 slammed her into the car. She feel on her
6 two knees and yell from the pain. And I got
7 up. I don't know what I was thinking. I
8 guess it was seeing this, and I got up again
9 on my knees, and I got up, and I was still
10 cuffed. I said, hey, you mother fucker.
11 She just got surgery a month ago. I
12 remember saying that. And she just got her
13 surgery, big surgery only one month ago.

14 So, then I felt another kick in
15 the back, boom, boom, and one in the back
16 almost on the back of my neck. The first
17 one big blow in the back, and I fell to my
18 knees. And another one in the back of my
19 neck, and I fell to the ground again.

20 When they continued with the
21 second wave of that incident, you know.

22 MS. SHERVEN: I'll move to
23 strike the portions that were not
24 responsive.
25

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M. GOMEZ

1 Q. Did you see your wife
2 physically go into the police station?

3 A. I saw her in the corner of my
4 eye. She was running. I didn't know where.

5 After the incident she stated
6 to me that I went two or three times in the
7 station asking for help for whoever was
8 there, the sergeant or --

9 Q. Did she tell you whether she
10 spoke with someone inside the police
11 station?

12 A. Yes, she did.

13 Q. Who did she say she spoke with?

14 A. Should I say their names?

15 MR. YOUNG: Okay, again, I
16 think this is all beyond the scope of
17 this deposition, but Counsel will do
18 it at her own peril.

19 A. She said it was a sergeant
20 there, and I believe it was Sergeant Paul
21 Hood. I believe. I'm not sure. It was a
22 lieutenant there.

23 Q. Do you know which lieutenant?

24 A. I don't remember.

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M. GOMEZ

1 Q. Did your wife tell you what she
2 said when she was inside the police station?

3 A. Yes.

4 Q. What did she say?

5 A. Please, help. Come outside and
6 help my husband. He's getting killed. He's
7 getting killed. He's going to get killed.

8 Q. What, if anything, did either
9 of those two police officers that you
10 mentioned say?

11 A. I have no idea. I know that
12 she yelled. She screamed. She tell them.
13 Then she go and she went back outside
14 running.

15 Q. Did she tell you if they
16 responded to her in any way?

17 A. From what she told me they
18 looked at her. They was just looking at
19 her. I don't know if any of those two
20 officers ever came out.

21 Q. Did you see either of those two
22 officers outside of the police station at
23 all that night?

24 MR. YOUNG: Well, he only

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M. GOMEZ

1 identified one possibly, so he
2 doesn't know who the other one is.

3 Q. Fine. Let's talk about the one
4 that you identified Sergeant Hood?

5 A. I saw Sergeant Hood later
6 during the arrest. I was already in the
7 precinct.

8 Q. I'm just talking about outside
9 the precinct?

10 A. Outside, no.

11 Q. Did you see anyone that had a
12 lieutenant, some identifying marker as a
13 lieutenant outside the police station that
14 night?

15 A. No, not that I can recall, no.

16 Q. Before Detective Quinoy made
17 physical contact with your wife, did he say
18 anything to her?

19 A. Not that I recall, no.

20 Q. At any point in time did you
21 see your wife make physical contact or touch
22 in any way Detective Quinoy?

23 A. No.

24 Q. Have you spoken with your wife

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M. GOMEZ

1 about the specifics of that moment when she
2 and Detective Quinoy made physical contact?

3 A. Yes.

4 Q. Did she ever tell you that she
5 touched Detective Quinoy in any way?

6 A. Well, yes. She told me that
7 she tap him in the arm or grab him a little
8 bit, Jose, because we call him Jose. You're
9 going to kill him. Please, stop. You're
10 going to kill him. He turned around, but I
11 didn't see that part.

12 Q. Let me just stop you there.
13 I'm just asking about her making contact
14 with him. You didn't see that happen?

15 A. I don't recall it basically.

16 MR. YOUNG: That's his
17 testimony.

18 A. If I don't even know. I think
19 she --

20 MR. YOUNG: -- stop. Stop.
21 You just said you didn't see it. You
22 just said she told you she may have
23 tapped him.

24 A. Yes.

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M. GOMEZ

Q. Did she tell you anything else about how she touched or made physical contact with Detective Quinoy?

A. I think that she did told me, yes, that she held him in the arm, like, this. Jose, you're going to kill him. Stop. And then he turned around, picked her up, and body slammed, threw her against the car, you know.

Q. Did you see him physically lift her up off of the ground?

A. Yes.

Q. Did her feet actually leave the ground?

A. Yes.

Q. Where did this happen in relation to where you were physically located, like, how far away?

A. Oh, about --

MR. YOUNG: How far was she lifted or?

Q. No. No. How far away were Detective Quinoy and your wife from where you were located?

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M. GOMEZ

body?

A. Yes. You need, actually you need two hands -- she's not that heavy, but you need actually two hands to pick up ninety pounds.

So, he picked her up and push it, like, actually got her like this, and push her against the car, you know.

Q. You're indicating picked her up and push her?

A. Not push her, actually you throw, like, when you throw a basketball the way you push her, right.

Q. Did she come into contact with some other object?

A. Yes, with her car.

Q. How far was her vehicle away from either the area you were or the two to three feet from you where Detective Quinoy and your wife were located?

MR. YOUNG: Wait, let's rephrase that, because you're asking him a distance measured from two different locations.

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M. GOMEZ

A. I was faced down in the ground, but I was looking up at the same time, because they were right in front of me. Not to the left, not to the right, that happened right --

Q. How far away?

A. About from here, four feet, three feet.

MR. YOUNG: To the end of the table?

A. She came -- no, actually, no. Less than that, because he was in the process of kicking me when she did that. And he was right next to me, so it happened, like, I would say two feet away from me.

Q. Where were Detective Quinoy's hands when he physically picked her up in the manner that you described?

A. Counsel, I can't really -- I know that he picked her up and body slam her against the car. I can't really tell you if the left hand was up and down. I can't really remember that.

Q. Were both of his hands on her

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M. GOMEZ

Q. Well, whichever way is easier for to you describe it. Can you approximate for us I guess how far the car was from where you were located if that's easier than the other way?

A. About five feet, five feet, five and a half, around there, four to five feet away, four feet. I can't really tell you. I know the car was very very close. And five, six, you know, around five, six feet, around there.

Q. So, it was approximately five feet from where you were?

A. Yes, right.

Q. Was the car parked also in front of you?

A. No, it was not parked.

Q. Was the car stopped basically in front of you or within --

A. Right.

Q. -- within your straight line of vision?

A. Right. I was here. The car was here right in front of me.

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M. GOMEZ

Q. Okay.

A. In the street.

Q. So, when you were looking up towards where Detective Quinoy and your wife were, you could also see the car?

A. Yes.

Q. What portions of her body made contact with the car?

A. At that time, I know that she had hit the car. I didn't know what portion of the body. I know she fell on her knees. She told me it was -- I'm not even sure now. I know she fell on the ground, and she had bruised ribs.

Q. Did she have any other injuries?

A. Not -- yeah, she had a few knee scrape, a couple of scraped knees and elbows where she fell to the ground.

Q. Did you see any other police officer make physical contact with your wife at any point in time during this evening?

A. No. No.

Q. Did your wife ever tell you

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M. GOMEZ

way, and I saw there was already a couple of the police officers from Sleepy Hollow.

I think at the end it was a couple Police Officer Michael Hayes and Police Officer Richard D'Allesandro.

Q. You knew both of them by name at that time?

A. Yes. Yes.

Q. Did either of them during this time period that we've been talking about ever make physical contact with you?

A. No.

Q. Did you see if either of them had anything in their hands?

A. No. I can't recall if they did. I couldn't pay attention to that, no.

Q. After Detective Quinoy threw your wife in the way that you described, where did you feel or see physical contact on yourself?

A. Oh, I got up, and I felt one kick, hard kick in the back in the middle of my back, and I fell. You know, fell on my knees, because I was on my knees, but I was

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M. GOMEZ

whether she touched or made contact with any other police officer other than Detective Quinoy?

A. No. She didn't make any contact with any other police officer.

Q. From the time you were handcuffed until the time that this came to an end, did you see any other police officers other than the ones that you've told us arrive in the area?

MR. YOUNG: Now. When you say an end, do you mean when the last blow was thrown?

MS. SHERVEN: Yes. That's what he described earlier for the timeframe.

MR. YOUNG: Okay.

A. After my wife got thrown in the car, I turned around. I fell back. I got up. I fell back to the ground. They started the same thing again. The same part of kicking, and so at this time, I fell facing this way instead of facing the car. Because after I got hit, I fell the other

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M. GOMEZ

still, like, when you're praying.

MR. YOUNG: Handcuffed.

A. And then I felt another kick right behind my neck, and that knocked me down to the ground.

Q. Did you see who kicked you in the back?

A. No, I did not. No, it was from behind.

Q. Did you see who kicked you in the head, or, sorry, did you say in the back of the neck?

A. Yeah.

Q. Did you see who kicked you in the back of the neck?

A. No. It was actually like boom, boom, simultaneously right next to each other, so I don't know.

Q. Do you know even if you didn't see, do you know which police officer it may have been that kicked you the way that you just described?

A. Well, the only one that I actually saw kicking me and --

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M. GOMEZ

MR. YOUNG: Now, again, this is after your wife was thrown.

A. Yeah. I saw Ebel and Detective Quinoy. Should I say something else? At no point that I can remember in the point in time I ever saw Officer Gasker kicking me and not that I remember.

Q. Approximately from the time where your body was positioned facing away from the car in the way you described, how much time passed until this all came to an end?

A. It was not too long after that. After that, it was pretty much almost over. I fell in and, I felt I know the knee right on my neck, it was actually choking me. And then I look up, and you know I'm not trying to be a melodramatic, but I was almost passing out in the street.

And then I see a lot of lights, and it was a bunch of lights at that time. Then that's when I noticed because I heard all the voices, and I was down with the knee into my neck. And when they picked me up,

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M. GOMEZ

they said, stop. I heard some other voices. It was the Tarrytown Police Department responded. They saved my life.

MS. SHERVEN: Move to strike that portion as nonresponsive.

Q. Did you see who the individual was whose knee you felt on your neck?

A. I'm not sure, but I think that was Officer Ebel, because Quinoy was still kicking me when the Tarrytown Police arrived. He was still kicking my head.

Q. Did you say anything to any of the police officers from the time that your wife was thrown in the manner that you've described until the time this came to an end?

MR. YOUNG: He's already testified to that. He said she just had an operation?

Q. Other than that, did you say anything else that was after?

A. No. I was actually yelling because when they put the taser in my head that was the worst in my life, worst feeling

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M. GOMEZ

in my life. I heard my brain bouncing inside my skull, and I was just yelling. You know, I don't usually yell, but I had to, you know.

MS. SHERVEN: I move to strike the portions that were nonresponsive.

Q. From the time after your wife was thrown so that you're facing in the other direction away from the car, was a taser used?

A. Yes.

Q. Did you see who used the taser at that point in time?

A. No.

Q. Where on your body was it used?

A. On the head again, on the head, and one more time, one last time in the head and a couple of times in the back.

Q. Did you see who it was who used the taser in your back at that time?

A. No. I was faced down, and I was getting kicked at the same time. So, I was faced down, and moving my head, and I had the pressure on my back. And I had Ebel

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M. GOMEZ

right on top of my back. I couldn't move.

Q. During this time period that we've been talking about, did any of the police officers say anything?

MR. YOUNG: During which time period?

Q. After what you told us about your wife being thrown, did any of the police officers say anything?

A. Say anything about?

Q. About anything. Did they say anything?

A. Not that I know. It was a lot of really voices and yelling and screaming, so all the police officers in the area I think -- so, I heard so much commotion, I can't exactly pinpoint who was saying what.

Q. Other than what you've already told us about where you told us that you punched Detective Quinoy, did you make any physical contact with any other police officers?

A. No.

Q. Did you attempt to make any

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1 M. GOMEZ

2 physical contact with any of the other
3 police officers other than what you've
already told us about involving Detective
Quinoy?

6 A. The only thing I attempt was
7 avoid from getting hit from Officer Ebel. I
8 was just moving, and you know when I was
9 getting choked, it's a natural response that
10 your legs start kicking. That's the only
11 thing that I was doing.

12 Q. When you said that your legs
13 started kicking, was that near the very end?

14 A. Near the end, yes, yes.

15 Q. Were you kicking in any
16 specific direction?

17 A. No. You know, like, when
18 you're kicking, not kicking at -- just
19 kicking back, because I had it was Ebel on
20 top of me. And basically I was just trying
21 not really, I was just trying to move,
22 because I was getting choked. Not because I
23 was trying to resist, Counsel, it was just
24 trying to -- it was very painful and very
25 uncomfortable.

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1 M. GOMEZ

2 Q. You told us that you saw police
3 lights?

4 A. Yes.

5 Q. Do you know if those were
6 Tarrytown Police lights or Sleepy Hollow
7 cars or both?

8 A. There was Tarrytown, and
9 Tarrytown Police cars and Sleepy Hollow
10 police cars.

11 Q. Do you know any of the
12 Tarrytown police officers who responded by
13 name?

14 A. Do I know them personally?

15 Q. Do you know them by name,
16 whether you know them?

17 A. Oh, yes. I remember one
18 Sergeant Daily, and I can't remember the
19 other police officer's name. It was about
20 two or three of them. No, three or four.

Q. The other two or three were
22 regular police officers as far as you know
23 versus sergeants or lieutenants?

24 A. I believe so, yes. I'm not
25 quite sure.

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1 M. GOMEZ

2 Q. Do you know which police
3 officers arrived in the Sleepy Hollow police
4 vehicle?

5 A. I guess it had to be Richard
6 D'Allesandro, Officer D'Allesandro and
7 Officer Michael Hayes, because they were not
8 there during the start or the middle of the
9 incident. I saw them at the middle to the
10 end.

11 Q. Did you see them actually
12 arrive in the vehicle, or are you making
13 that connection because you saw them at the
14 end?

15 A. No. I'm making that
16 connection. I didn't see.

17 Q. Did there come a point in time
18 when you were placed inside of a police car?

19 A. Yes.

20 Q. Up until that time other than
21 the police officers you've already told us
22 about, those from Tarrytown and those from
23 Sleepy Hollow, did you see any other police
24 officers?

25 A. No.

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1 M. GOMEZ

2 Q. Just so we're clear, what you
3 told us already Detective Quinoy, Officer
4 Ebel, Officer Gasker, the three to four
5 Tarrytown police officers and then Officer
6 Hayes and Officer D'Allesandro; is that
7 correct?

8 A. Yes.

9 Q. Anyone else?

10 A. Not that I can recall, no.

11 Q. Who placed you into the police
12 vehicle?

13 A. I was picked up either by
14 Officer Hayes and D'Allesandro, and they
15 took me to the police vehicle.

16 Q. How did they pick you up?

17 A. Well, I guess by the arms
18 because I couldn't walk. I was basically --
19 I was, I couldn't hardly walk. So they took
20 me to the police vehicle.

21 Q. Did they physically carry you?

22 A. No, not carry. No. No. I was
23 basically able to walk by myself, but I was
24 almost like -- what do you call that? When
25 you put your arms around and need.

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M. GOMEZ

MR. YOUNG: They assisted you?

A. Yeah, assisted me. That's a better word. Instead of picked up that means the whole body, right, no.

Q. But your feet were touching the ground?

A. Yeah. It took a little while for me to be able to walk, because they just helped me up. And at the time, the incident had already stopped. Detective Quinoy was talking to the Tarrytown Police, and was talking to, and it was all the lines and all commotion.

MR. YOUNG: Hold on. The question was: Who helped you into the police car.

A. I believe it was -- I know I was actually assisted by underneath the arm they picked me up.

Q. That was by Officer Hayes and Officer D'Allesandro?

A. Yes, right, I'm pretty sure it was them, too.

MR. YOUNG: Okay, that's your

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M. GOMEZ

answer.

A. Yeah.

Q. Did they physically place you into a police vehicle?

A. More or less, I couldn't say they physically. You know, by that time I was, it's okay, okay, it's all right. Like I was trying to actually speak and do something for myself.

And actually I was placed inside of the vehicle. The patrol car had the door open, and Richard D'Allesandro was standing next to the door. Officer Quinoy started approaching giving Richard D'Allesandro directions.

Q. I'm going to stop you right there, because I don't have a question as to what happened next.

A. Okay. Sorry.

Q. That's okay. Were you placed or did you sit into the back of the patrol car?

A. The back, yes, where the prisoners go.

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M. GOMEZ

Q. Did Officer Hayes or Officer D'Allesandro say anything to you during the time that they assisted you to the car to the police car?

A. No, not that I can recall. No. No.

Q. Did you say anything to them during that time period?

A. I don't think so. I was just trying to look around.

Q. Where was your wife at that time?

A. I guess she was still there and around that area. I couldn't. At the very end, I couldn't place her. You know, but she was there. Because at that time, there was a lot of people in the streets.

Q. Did you recognize any of the people in the streets?

A. I was kind of, you know, I was almost passed out. I couldn't really recognize, you know.

MS. SHERVEN: I move to strike the portion that's not responsive.

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M. GOMEZ

Q. When you got into the police car, you said that Officer D'Allesandro was standing next to the car; is that right?

A. Yes.

Q. What happened next?

A. Well, I think Officer D'Allesandro got assigned to take me around to the precinct to the police station. He had the door open. I was sitting in the back seat cuffed.

MR. YOUNG: Indicating arms behind the back.

A. Yes, my arms behind the back, cuffed behind my back. And Officer D'Allesandro had the door open. I saw Detective Quinoy yelling some directions to Officer D'Allesandro. He started approaching the car, and at that point I actually I didn't expect it. I didn't see it coming. He kicked me right in the face, which completely knocked me to the other side of the vehicle and I end up lying against the door.

Q. When you say "he" who are you

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M. GOMEZ

1 referring to?

2 A. Detective Quinoy kicked me
3 right on the right side of the face.

4 Q. Other than assisting you to the
5 car in the way that you described, did
6 Officer D'Allesandro make physical contact
7 with you in any way?

8 A. No. No.

9 Q. Other than assisting you to the
10 car, did Officer Hayes make any physical
11 contact with you?

12 A. No.

13 MS. SHERVEN: Let's just take a
14 break.

15 (Whereupon, a recess was
16 taken.)

17 Q. Just before Detective Quinoy
18 kicked you in the way you described while
19 you were sitting in the police car did he
20 say anything to anyone?

21 A. Yes. He was giving directions
22 or orders to Officer D'Allesandro.

23 Q. What did he say?

24 A. I have no idea. I was already,

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M. GOMEZ

1 you know, I was feeling pretty bad, and I
2 was cuffed. And when I looked to the left
3 and when I looked to the right, I saw him
4 approaching. He was pointing his fingers
5 giving Officer D'Allesandro direction, and
6 he started getting closer, closer, but I
7 never expected him to do that.

8 So, he kicked me. I got
9 knocked out to the other side of the car,
10 and then he slammed the car behind him.

11 MS. SHERVEN: Move to strike
12 the portions that are not responsive.

13 Q. I know you said he was giving
14 Officer D'Allesandro instructions. What
15 leads you to believe that he was giving him
16 instructions?

17 A. Because he's a detective. I
18 mean things going on, and the police officer
19 was standing there. After that, after I got
20 kicked, Officer D'Allesandro got in the
21 driver's seat, and he drove me around the
22 corner, and he took me to the back of the
23 police station.

24 Q. I'm going to stop you there.

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M. GOMEZ

1 Did you hear the content of anything that
2 Detective Quinoy said to Officer
3 D'Allesandro that leads you to believe that
4 he was giving him instructions?

5 A. No. No. I can't actually.

6 Q. During that time period, did
7 you see Officer D'Allesandro do anything?

8 A. What do you mean do anything?

9 Q. Anything. Did he move? Did he
10 do anything whatsoever?

11 A. Well, no, after they placed me
12 in the car, and Officer Hayes went another
13 direction. I don't know. It was so many
14 commotion and people. The one that was
15 standing with the door open was Officer
16 D'Allesandro.

17 Q. From the time that Officer
18 D'Allesandro assisted you into the car and
19 he was standing next to the car and the time
20 that Detective Quinoy came up to the car,
21 did you see Officer D'Allesandro move at
22 all; like, move away from the car? Move in
23 any direction.

24 A. No. No. He was there.

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M. GOMEZ

1 Q. Did Officer D'Allesandro say
2 anything in response to Detective Quinoy
3 during that time period?

4 A. They were talking. I can't
5 remember what. I cannot remember.

6 MR. YOUNG: That's it. You've
7 answered the question.

8 Q. Now, you said that Officer
9 Hayes walked away from the car. Where did
10 he go?

11 A. I have no idea.

12 Q. But did he at any time enter
13 the police car?

14 A. No.

15 Q. So, at some point in time
16 Officer D'Allesandro gets into the vehicle
17 and drives the vehicle to the police
18 station, correct?

19 A. Yes.

20 Q. Was anyone else in the car with
21 you and Officer D'Allesandro?

22 A. No.

23 Q. Did you speak to Officer
24 D'Allesandro during anytime that you were

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M. GOMEZ

being transported?

A. No.

Q. Did he say anything to you?

A. No.

Q. At some point in time you were taken back into the police station then?

A. Yes.

Q. Up until the time you arrived inside the police station, did you request any medical treatment from any police officer?

A. I don't recall, no.

Q. Well, did there come a point in time in which you did request medical treatment?

A. I believe so because within a few minutes that they took me in. They uncuffed me. They started searching me everything, the EMS workers, the emergency service unit from Mount Pleasant and Sleepy Hollow arrived at that point, two ambulances.

Q. Did you see the ambulances arrive, or do you just know that the EMS

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M. GOMEZ

MR. YOUNG: Can you read that question back again.

(Whereupon, the reporter read back the requested material.)

MR. YOUNG: Do you mean did they interfere with the EMS workers? I don't know what "not permitted" means.

MS. SHERVEN: All right, I'll rephrase the question.

Q. At any point in time did any police officer say to you that you could not get medical treatment?

A. Not I could not get medical treatment from what I heard. After I was searched, a couple of other things, and I was there sitting with the two EMS ambulance corps, and they were checking me. They were wiping the blood down. They were taking some type of -- here.

Q. You're indicating your arm. Are you indicating with a blood pressure cup?

A. Yeah, it was something. And

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M. GOMEZ

workers appeared on the scene?

A. Well, I know that they appeared on the scene, but I didn't see them arrive, no.

Q. Did you request EMS, or was that just called by someone else?

A. I think it was called by someone else. I didn't get a chance to talk or speak.

Q. Approximately how much time passed from the time you were inside the police station until EMS arrived and --

MR. YOUNG: -- evaluated.

Q. Evaluated you?

A. I'm not sure of that one. So many things happening. There's so many things going on at the same time, four or five minutes, maybe, four or five minutes.

Q. I just want an approximation.

A. Yeah, around there.

Q. At any time point in time did any police officer not permit you to obtain medical treatment or to be evaluated by the EMS workers?

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M. GOMEZ

then I started, like, my legs starting shaking. I couldn't control it. And she wanted me to go to the hospital at that point, and then somebody told her, no.

Q. I'm sorry. I didn't mean to interrupt you, but as long as I did I'll have you continue in a second, but who was the she?

A. There was ambulance workers.

Q. Is it an EMS worker.

A. Yes, EMS worker from Sleepy Hollow, and the female EMS worker she was from Mount Pleasant.

Q. I'm sorry when I interrupted you before, what were you saying about she wanted you to go to the hospital, the female EMS worker?

A. Right, she wanted to take me to the hospital in the ambulance right away, and some officer said, no, he's not going anywhere until Detective Quinoy gets treatment first.

Q. Which police officer said that first?

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M. GOMEZ

A. I have no idea. I just heard.

There were lieutenants, sergeants, everybody was walking around outside. There was a lot of commotion you know.

Q. So, you didn't see who it was who said that?

A. Right, at that point my legs started trembling. I couldn't control the trembling, and then I couldn't control it. And my heart was running pretty fast, and she said, no, he has to go now.

Q. What happened then?

A. They got me in the ambulance, and I don't remember if it was a police officer there or maybe Michael Hayes was inside the ambulance and.

Q. But you were taken to the hospital?

A. Yes, to the hospital, yes.

Q. That was Phelps Hospital?

A. Phelps Hospital, yes.

Q. Approximately how much time passed from the time that the female EMS worker said that you needed treatment until

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M. GOMEZ

you were in the ambulance?

A. About four or five minutes.

Q. Now, going back to the time when you said you were being searched when you were inside the police station, which police officers were searching you?

A. Oh, I think it was Officer Ebel and Officer Hayes, Michael Hayes.

Q. Just so the record is clear because I know there is another police officer named Hayes. The entire time when we've been talking about Officer Hayes, you've been speaking about the Police Officer Michael Hayes?

A. Michael Hayes.

Q. Not his father Gabriel Hayes?

A. Yes.

Q. During the time that these two police officers were searching you, did they say anything to you?

A. Well, they shackled me. They put the shackles to --

Q. -- I'm going to stop you right there. I'm just asking you what they said?

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M. GOMEZ

A. No. No. No. The one that said something to me was the detective. You know, I was going to get to that.

Q. I was going to ask you about him next. So, we're clear during this time when you're being I guess processed.

A. Right.

Q. Did either Officer Ebel or Officer Hayes say anything to you?

MR. YOUNG: Well, hold on. I'm just going to object to the word "processed". Whatever was happening, I don't know if we can call it processing yet, but go ahead. We haven't gotten to this yet.

A. No. They was basically saying the basic thing. And during that process, they were searching me, taking me out of the pockets, and if I had a weapon. You know, they were actually searching me and the whole thing. I had to take everything off.

Q. Okay, I'm going to stop you there. I know you want to get something with Detective Quinoy, but right now I'm

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M. GOMEZ

just asking you about Officers Ebel and Hayes. Did either of them say anything to you during this time period where you were being searched?

A. No. No. No. They were basically basic questions, what do you have. Take everything out of your pockets. Do this. Do that. Put your hands, and you know, basic questions or the process.

Q. To help with that process?

A. I mean with the procedure.

Q. But nothing of content say concerning this incident or anything else?

MR. YOUNG: Do you mean did they ask him what happened?

A. No. No. About the incident, no.

Q. It was merely the booking process, right?

A. Yes, right.

Q. For lack of a better --

A. -- from what I heard after that I heard --

MR. YOUNG: -- hold on.

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M. GOMEZ

There's no question. She'll ask you a question.

Q. At some point in time, did

Detective Quinoy or some other officer enter the room where you were located with Ebel and Hayes?

A. When Detective Quinoy entered, I was by myself. And he came with my cell, with my cell and he actually -- I was in the shackles sitting in the metal seat sheet. He said, you see this, (noise) and he broke it in my face. He said, you fucked with the wrong one, and he point at his shield.

He said, you're not going to be inside taking care of the guys. You're going to be inside. And I'm going to pass the word, so they chew your ass alive. That's was his words.

Q. Did you say anything to him?

A. No. No. I was quite in there.

Q. You may have said, but I didn't catch it. What was it that Detective Quinoy broke?

A. My cell phone. He got very

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close to my face, and he broke it -- he started pointing the fingers, and he said, you if you can with the wrong one. And he pointed the fingers very close almost on my forehead like this, broke the cell to my phone. You're not in there taking care of the guys. You're going in there yourself -- and I'm going -- I said that already. Sorry.

MS. SHERVEN: I'm going to move to strike the portions that are not responsive.

Q. From the time that you were inside the police station until the time that you were taken into the ambulance, did you have any conversation or did any police officers speak to you other than Officers Ebel and Hayes during the booking process or Detective Quinoy?

A. Yes.

Q. Who?

A. I spoke to lieutenant, the lieutenant.

Q. Which lieutenant, to the best

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of your recollection, his name?

A. I can't remember his name. He was --

Q. Can you describe him?

A. Yes. He was Michael Hayes' dad.

Q. Did you know him by face?

A. Yes. Yes.

Q. So, you know that this was Lieutenant Hayes?

A. Lieutenant Hayes.

Q. Lieutenant Hayes, okay.

A. Because I was in a room, search his car. And then I said --

Q. I'm going to stop you. Who said, search his car?

A. I was sitting in the back, but I could hear everything that was going on. I couldn't recognize. Then I started yelling Lieutenant Hayes, please come down here, Lieutenant Hayes.

Then he came I said, please, come here. Come down here. And then I said please send another officer to search my

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car. I don't care who. Could be twenty, thirty, but don't let Detective Quinoy search my car, because I don't use any drugs, and I don't want any surprises. I don't want him to drop something in my car and that later on say that look what I find here. He said, don't worry about it. We're going to take care of that.

Q. Did you know that Lieutenant Hayes was present at the police station at that time? Let me rephrase the question. How did you know to call out to Lieutenant Hayes?

A. I don't know.

Q. Did you see him?

A. Before?

Q. At all that night.

A. No.

Q. But for whatever reason you called out to Lieutenant Hayes?

A. I called the sergeant first, and then I heard Lieutenant Hayes' voice, and that's how I knew that he was there.

Q. When you called out for a

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2 sergeant, were you calling out for a
3 specific sergeant or just calling a
sergeant?

A. Yes, just calling a sergeant.

6 Q. Did Lieutenant Hayes say
7 anything else to you other than what you've
8 already told us?

9 A. No.

10 Q. Other than Lieutenant Hayes and
11 the other police officers that we've talked
12 about, did you have any conversation or did
13 any other police officer speak to you during
14 this time?

15 A. Oh, during this time, no, no.

16 Q. You are suing several
17 individual police officers in this case,
18 right, that you've named several individual
19 police officers?

20 A. Yes.

21 Q. Why are you suing Officer
22 D'Allesandro?

23 MR. YOUNG: Why is he suing? I
24 put together the pleadings. He did
25 not put together the pleadings. I

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2 can tell you why we're suing Officer
3 D'Allesandro.

4 MS. SHERVEN: With all due
5 respect, you're not here for a
6 deposition. I'm sure that Mr. Gomez
7 can tell us why he believes he's
8 suing Officer D'Allesandro or any of
9 the other individuals.

10 Q. What are you alleging that
11 Officer D'Allesandro did in this case?

12 A. Well, from what I --

13 MR. YOUNG: I know maybe more
14 than you know, so you can give them
15 to the extent that you know.

16 A. From what I can understand
17 everything was put together by my Counsel,
18 and I don't know specifically say anything
19 about Officer D'Allesandro. But the one
20 that really --

21 MR. YOUNG: -- she's just
22 asking D'Allesandro not. She'll go
23 one by one.

24 THE WITNESS: Okay.

25 Q. Did you review the Complaint or

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2 read the Complaint that your attorney put
3 together in this case at any time?

4 A. Yes, I believe I did, right,
5 yes.

6 Q. Well, why do you believe that
7 Officer D'Allesandro is named in this case?

8 MR. YOUNG: I know why. She's
9 asking you.

10 A. Okay, I guess it was through
11 the description of my Counsel to put, advice
12 of my Counsel's to.

13 Q. I'm not asking you about any
14 conversations that you had with your
15 attorney. So I'm not asking about any
16 privileged conversations with your attorney
17 I'm just asking you. It's not a trick
18 question. I'm just asking you.

19 A. I'm trying to come up with a
20 good answer.

21 Q. Why? What do you believe that
22 Officer D'Allesandro did wrong in this case,
23 maybe, that's a better way of asking it?
24 I'm just trying to find out why he's
25 personally name?

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2 A. No. I don't believe he did
3 anything wrong actually, no.

4 Q. You've also sued or named in
5 this case Lieutenant Barry Campbell. Why do
6 you believe that he is named in this
7 lawsuit? Why are you suing him?

8 A. Well, Lieutenant Barry Campbell
9 was the officer assigned on the next shift,
10 which is the one that was that was the
11 morning shift. And Lieutenant Barry
12 Campbell was aware of the situation between
13 my daughter and Detective Quinoy. He was
14 not there during the incident, he was not
15 there for the incident.

16 Q. Did you see Lieutenant Campbell
17 at any time from the time that you arrived
18 at the police station until the time you
19 were taken to the hospital?

20 A. No, not at that time. Later.

21 Q. Later, when you came back from
22 the hospital; is that what you're inferring?

23 A. You want me to keep answering.
24 I saw him the next morning when I was going
25 to bring -- they were taking me to the jail,